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A STUDY OF STRUCTURAL UNEMPLOYMENT IN ENGLAND  
DURING THE SIXTEENTH AND SEVENTEENTH CENTURIES  
AND THE LEGISLATION ENACTED TO RELIEVE THE HARDSHIPS OF IT

A THESIS

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## PREFACE

Unemployment in England was neither an identifiable economic fact nor a social problem prior to the sixteenth century. The manor provided employment for most of the rural population; the guilds provided employment for the people within the cities; the Roman Church employed a significant segment of the rural labor force in ecclesiastical enterprises such as wool production. Plagues and other virulent diseases combined with war to limit growth of the population. There was no excess of labor due to overpopulation.

Political, social, religious, and economic forces combined to upset the employment stability created by the manorial and guild systems. The resulting upheaval gave rise to the first period of structural unemployment in modern economic history.

English parliamentary legislation during the next two centuries attempted to restore the stable employment characteristics of the manorial and guild systems. Unfortunately, the laws dealing specifically with unemployment were often repetitive and quite ineffective. However, other laws in the politico-economic field stimulated the economy to absorb a large segment of those unemployed.

This thesis attempts to analyze the unemployment problems in

England caused by the shift from a feudal to a mercantilistic economy during the sixteenth and seventeenth centuries and to evaluate the legislation enacted by Parliament to relieve or prevent unemployment problems.

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## CHAPTER I

### INTRODUCTION

The self-sufficient manor was the basic unit of English agricultural production in the economy prior to the sixteenth century. Owned by the lord, the manor's main responsibility and source of outside income was as a provider of military manpower for the king. The manor also provided a court for justice and a village for exchange of goods and services.

Labor was provided principally by the villein, a member of a class of partially free persons within the feudal system who were serfs with respect to their lord but who had the rights and privileges of free-men with respect to others. The villein was obligated to service to the lord for two or three days a week of field work on the demesne,<sup>\*</sup> or home farm, of the manor. Also at certain seasons, such as planting and harvest times, the lord required not only the full time services of the villein but his family members as well, if they were able to work. In addition, he usually cultivated up to thirty acres of land when not working for the lord to provide for his own family's subsistence. The villein

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<sup>\*</sup>Demesne, an estate or part of an estate occupied and controlled by the owner and worked exclusively for his use.

could legally leave the manor permanently only by making a monetary payment to the lord, and upon his death or disability his oldest son assumed his responsibilities to the lord. Other children in the family were absorbed into the manor as laborers or as soldiers in the lord's army.

In addition to the villein, the manor and its adjacent village provided a living for several other groups: free men who farmed rented acreage, helping the lord only at times of planting or harvest; village craftsmen, also free men, who bartered services and food; household servants; and a retinue of military manpower.

The lord provided justice and protection for his manor and its inhabitants, plus provisions from his storehouse in time of famine or crop failure. (He could not evict a villein from his land during times of hardship.) He was obliged to provide economic security for all in the manor except free men. This extended to the sick, disabled, aged, and their families.

At the end of the thirteenth century, the number of manors in England was estimated at 9,000.<sup>1</sup>

### The Gild System

A system of artisan and merchant gilds provided the economic,

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<sup>1</sup> Arthur Bryant, The Story of England, Makers of the Realm, Houghton-Mifflin Co., Boston, 1954, p. 359.

political, and social foundation for the cities as the manorial system provided for the agrarian population. Less than 10 per cent of the population of England and Wales lived in the cities with more than 5,000 inhabitants.<sup>2</sup>

Gilds were developed through specialization in providing a product or service. They also provided the political leadership; usually the mayor and city council members were leaders in the various local gilds.

Gild members were masters of specific crafts or trades. By becoming an association with a set of bylaws, the masters controlled employment, working conditions, and length of apprenticeship. As businessmen of the Middle Ages, the masters purchased raw materials, manufactured finished goods from the materials, and marketed the finished goods.

The master reached his position in the gild by working, first as an apprentice and then as a journeyman, under a gild master. After becoming a master, he continued doing the actual work of his skill or trade. But the financial reward the master received for his other responsibilities was great enough to make most journeymen desire the status.

Each gild maintained monopolistic control of the right to work

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<sup>2</sup>Sir John Clapham, A Concise History of Britain, At the University Press, Cambridge, 1949, p. 188.

within a craft or trade. Few employment opportunities were available outside the gild structure. The gilds provided essentially full employment for the populations of the cities. As the manorial system provided paternalistic economic security, the gild assumed fraternalistic responsibility for the sick, disabled, and aged members, and their families.

Membership in a gild was obviously important. The gilds strictly controlled entry and advancement within the organization. Membership was usually gained through birthright but could be purchased or earned. Advancement was extremely difficult to achieve. A member normally served a minimum apprenticeship of seven years before becoming a journeyman; and even then, he could advance only if an opening occurred through the death of a master or when an increase in business required appointment of new masters.

#### The Roman Church

The Roman Church reached into every community in England, with over a thousand religious establishments and possession of 70 per cent of the agricultural land.<sup>3</sup> Much of the land produced wool known for its high quality throughout the world. The land holdings and the church operations required not only a clerical but also a lay organiza-

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<sup>3</sup>J. A. Blanqui, History of Political Economy in Europe, Augustus M. Kelley, Publishers, New York, 1968, p. 221.

tion to operate such extensive holdings. When the Roman Church was outlawed by Henry VIII, an estimated 50,000 people became unemployed, as the Government confiscated the Church's lands and buildings in the 1530's.<sup>4</sup>

The Roman Church also supplied alms to the rural poor at its abbeys and monasteries, helping to maintain the social stability of the country prior to 1536.

### The Unemployment Problems

From the beginning of the sixteenth century to the end of the seventeenth century, the agricultural worker became the largest unemployed segment of the English labor market. This condition came about because of the transition from villeinage to monetary wage payments for labor services allowing the manor to be operated with less manpower and lower costs. The transition released the villein from his obligation to the lord and allowed him to work for wages on the manor, if work was offered, or to seek employment elsewhere.

Another group on the manor was affected by change during this period. The lord's army no longer could be supported as the king's army took over the protection of the country. The evolution of a central government in England eliminated the necessity for private armies

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<sup>4</sup> John Wade, History of the Middle and Working Classes, Augustus M. Kelley, Publishers, New York, 1968, pp. 70-71.

to serve the king and took away this revenue source from the lords.

Other causes of unemployment were changes in production of goods, in market conditions, and in religious philosophy and influence. Economic, political, and technological factors influenced these changes and were clearly identifiable in the basic economy of England during this two-century span.

## CHAPTER II

### UNEMPLOYMENT IN AGRICULTURE

The manor was a bastion of power, militarily and politically, in the Middle Ages. The manor's strength depended on its army. To support the army, the lord's fields produced crops for food or income. The manorial village had the skills to provide goods and services required for the soldier or villein. Everyone able to work had an assigned job on the manor.

With the political change to a centralized government, the manor's military power was no longer needed. The manor converted to profit-oriented agriculture in order to survive. The conversion required substantial changes in several aspects of the manor.

#### Physical Structure of the Manor

Farming on the manor prior to 1500 was done in large cleared fields with the villein's thirty acres, assigned by the lord, running across such fields in strips. Some strips were continuous for thirty acres whereas others were divided in different locations. All villeins of one manor might be assigned to one great field where they cultivated their strips together. The crops planted varied according to the individual preference of the villein with grains predominating.

The lord's demesne usually was located adjacent to the manor house. Demesne acreage produced crops needed to maintain the lord and his staff. The cultivation, provided by the villeins, might be done in the same field with the villein acreage, but the lord could separate his land from the villeins to permit its use for other purposes such as sheep raising. Some manors were producing wool for the market prior to 1500.

Two other classes of land were part of the manor. One was called the commons,<sup>\*</sup> on which the villeins and freeman had grazing rights for their cattle and work animals. Though it belonged to the lord, it was considered to be community property, and hence no row crops were grown on it. The remaining land consisted of the uncleared acreage known as the waste.<sup>\*\*</sup> From the waste came firewood for all the houses on the manor and any lumber required by the village carpenters. Some grazing was also done on the waste. For the benefits of the commons and waste, the villeins brought commodities or small amounts of money to the lord at certain seasons such as Christmas and Easter.

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<sup>\*</sup> Commons, a tract of land owned or used jointly by the members of a community, usually for cattle grazing.

<sup>\*\*</sup> Waste, an uncultivated tract of land; a wild region or tract of land.



### Political Conditions

The weak monarchy of England depended on the lords for support in times of war or civil unrest. With no national army, the king purchased the services of the private manorial armies. The lords received monetary payments from the royal treasury or other compensation for the use of their armies. The manor was the seat of political power in the Middle Ages.

A strong king, Henry VII (1485-1509), created a national army and received allegiance from a majority of the lords. From this foundation, a central government evolved. Political power shifted from the individual manors to London. The loss of the political base forced the lords to convert manorial land to an economic base. Profit-oriented, commercial agriculture began in England.

### Physical Changes

The manor lost its identity with the advent of commercial agriculture using wage payments for labor. The strips of the villeins, who were now hired for wages, were placed in more compact, individual fields similar to farms of today. The landowner or operator determined the crop grown in each field, supervised its cultivation, and measured its production.

With the increased demand for wool, some former manors were enclosed by loose rock walls or thick hedges. The enclosures,

as they were called, kept sheep of the landowner in his pastures and kept out stray cattle owned by others. Enclosures went beyond the cleared fields and took in commons and at times some waste. Under these conditions labor requirements were reduced to shepherding, and many former villeins who cultivated row crops became unemployed. As they moved to seek employment elsewhere, the landowners razed houses and any unused village buildings to increase pasture acreage. Additional pasture land came from clearing woodlands or draining swamps and marshes. Only a strong wool market justified capital expenditures for such projects.

With the manor's deterioration, national courts developed a more consistent form of justice than was practiced by the lord. On the manor, the lord was judge and jury. The justice of the peace replaced the lord in the local community as judge. Sheriffs, bailiffs, or constables provided law enforcement locally in place of the lord's army.

### Economic Conditions

Up until 1500, the manor's economic existence depended on relationships between the lord and the king. The military manpower was available for service with the king during wars or invasions, and the lord received payment for these services. Because of these conditions, the value of a medieval manor was based on the number of people living on it and not on the number of acres included in it. Other income

sources for the lord were rented land, payments for use of commons and woodlands by villeins, and the sale of excess commodities if a market was nearby.

After 1500, agriculture became the sole source of income for the lords. But income came only when a profit was made on goods produced and marketed. Some lords were unable to adjust to commercial agriculture based on a profit motive. These lords either sold their manor, rented out the land, or a combination of the two, and retired from manorial activities. These conditions created an active land market during the sixteenth century. The lords who became commercial farmers and new landowners made drastic changes.

### Economic Changes

The barter system of the manor was replaced by monetary wages allowing more control of labor costs. Enclosures permitted closer supervision and measurement of production for row-crop commodities. The conversion of row-crop land to sheep raising became popular with many landowners because of the low labor cost and strong raw wool prices caused by increased demands for finished goods. But as the cities grew in the seventeenth century, some land was converted to row crops again to supply urban food requirements.

The basic unit of labor was the wage earner who was hired for the day, week, month, or year. The villein had no place in the re-

structured farm operations. The landowner or leasee worked only the labor needed and thus kept labor costs low. Often the leasee used family members and hired no labor.

When these and other changes had been implemented, the manor was not a recognizable unit in the English economy. The manor had been replaced with farming operations that were not fundamentally different from those in the present century.

#### Problems Faced by Individuals

The unemployed individual was the displaced villein who now had freedom to search for another job. The ex-villein entered the labor market facing problems never experienced by anyone prior to 1500. The problems were loss of economic security, relocation, working conditions of new jobs, and competition from a rising population.

#### Loss of Economic Security

The manor furnished the physical needs of the villein family. A house and adjacent land, approximately thirty acres for general farming, and grazing rights on the commons were provided. During periods of sickness or economic hardship, the lord provided assistance to the villein or his family. Labor shortages and idle manor land in the fourteenth and fifteenth centuries combined to give the villein economic security.

After 1500 the enclosure trend removed large amounts of land

from row cropping and replaced it with pasture. The economics of enclosures with attendant conversion to pasturage resulted in a reduction of farm jobs in the sixteenth century. Where several villeins had been needed previously, one shepherd and his sheep covered the same land.

The farming operations that continued to plant row crops used labor efficiently by hiring only as needed; thus less manpower was required than under the manorial system. Increasing amounts of available labor also came from population growth. With surplus farm labor in the job market, landowners and operators kept wages low and hired by the day or week rather than for longer periods. No house or land was furnished to farm labor.

Available labor was a necessity for profit-oriented agriculture as it would be later for industrial growth. But these conditions eliminated the individual laborer's secure position on the manor and replaced it with the insecurity of a free labor market.

### Relocation

Several alternatives were open to the unemployed laborer. He might remain in his home community to seek work, but others would be competing for any available jobs. The agricultural transition affected all parts of England. Relocation in another agriculture-centered community offered no more opportunity for employment than the present one.

According to the age and size of family, the unemployed might

consider the city as a place for more employment possibilities. The young and healthy had better chances of getting work in the cities. Also, the unmarried or married without children had lower living costs and could survive on lower wages or less steady work. A movement to the cities began and, with it, problems were transported to a new setting.

### New Working Conditions

The status of the villein could not be changed once he and the lord had agreed to his employment. The lord could not dismiss him, and he could not legally leave the manor without the lord's permission and a monetary payment to the lord. These manorial working conditions changed little during the entire Middle Ages.

The sixteenth century brought sweeping changes to working conditions. Labor was hired for a specified time and dismissed when the job was completed. The employer's obligation went no further than the paying of wages for work performed. Periods of unemployment between jobs were new to agricultural workers and to others whom the manor supported.

An urban population shift made the skills of rural workers obsolete. In the urban economy, only low-paying manual work was available to former agricultural workers. The unskilled jobs provided sporadic employment, often seasonal. Other jobs with more pleasant working conditions were closed to those without special skills and guild affiliation, at least during most of the sixteenth century.

### Population Growth

An increasing population added competition for available jobs each year. Nicholls estimated the population of England and Wales at 4,000,000 in 1509, when Henry VIII became king; 5,000,000 at the end of Elizabeth's reign in 1601; and 5,500,000 in 1688.<sup>1</sup> The large increase between 1500 and 1600 can be attributed to the absence of the serious nationwide plagues and, perhaps, to marriages at earlier ages.

Labor mobility caused the cities to expand as people migrated from the rural areas. London had a fantastic growth from about 5,000 people prior to 1500, to 100,000 about 1550, to 500,000 in 1650.<sup>2</sup> The mobile labor force attracted Parliament's attention. Legislation dealing with unemployment began to be enacted.

### Legislation before the Sixteenth Century

The first indication of rural unemployment came in legislation enacted prior to 1500. A law passed in the fourth year of Henry VII's reign was entitled: "The penalty for decaying of Houses of Husbandry, or not laying of convenient Land for the maintenance of the same." One statement summarizes the problem thusly:

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<sup>1</sup> Sir George Nicholls, A History of the English Poor Law, Vol. 1, P. S. King & Son, London, 1898, p. 106.

<sup>2</sup> H. G. Koenigsberger and George L. Morse, Europe in the Sixteenth Century, Longman, Green, and Co., Ltd., London, 1968, p. 29.

For where in some towns two hundred persons were occupied and lived by their lawful labours, now there are occupied two or three heardmen, and the residue fall into idlesnesse, the hus'andry which is one of the greatest commodities of this Realme is greatly decayed, Churches destroyed, the service of God withdrawn, the bodies there buried not prayed for, the Patrons and Curates wronged, the defence of this land against our enemies outward, feebled and impaired, to the great displeasure of God, to the subversion of the pollicies and good rule of this land, if remedie be not provided.<sup>3</sup>

The villein exodus had begun, caused by landlords changing to new methods of agriculture or by the freedom given farm labor to leave the land. Unemployment developed quickly. Parliament recognized the consequence of an idle labor force and clearly stated it in the law's preamble. It read as follows:

Item, the King our Sovereigne Lord, having a singular pleasure above all things to avoide such enormities and mischiefes, as be hurtful and prejudiciall to the common weale of this his land and his subjects of the same remembreth that among other things great inconveniences daily doe increase by desolation and pulling downe, and willful waste of houses and townes within this Realme, and laying to pasture lands, which customably have been used in tillage, whereby idlenesse, which is the ground and beginning of all mischiefes, daily doth increase.<sup>4</sup>

The conversion from row crops to pasture idled farm workers and created a mobile unemployed labor force in England. As the laborers left rural areas, their vacated houses were demolished, along with other unneeded buildings, to expand pastures. Parliament became

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<sup>3</sup> The Statutes at Large, Volume the Tenth, An Index and An Appendix, printed by Charles Eyre and Andrew Straham, London, 1786, p. 109.

<sup>4</sup> The Statutes at Large, Vol. 10, p. 109.



alarmed over their conditions, especially the "idleness" which was to lead to "mischiefe." The unemployed, classed as rogues or vagabonds, became a threat to national stability.

Parliamentary action, in an effort to control the situation, decreed that landlords must maintain the existing houses and replace those destroyed in the last three years. With each house, the landlord was to furnish twenty or more cultivatable acres for the house tenant's use. One purpose for this provision was to induce former villeins to remain in rural areas to cultivate grain or other row crops. Another purpose was to prevent landlords from placing more land in pasture. Parliament's efforts were aimed at maintaining as much of the manorial system as possible.

The penalty for reducing housing and conversion of tillable land to pasture was a fine. The king or the lord of the fee (estate) was "to receive yearly halfe the value of the issues and profits of any such land . . . " for noncompliance.<sup>5</sup> The collected fine was used to rebuild houses or return land to tillage. The use of the word "profits" in a 1489 law shows how early the transition from a barter to a monetary economy had begun.

Much legislation dealing with the conditions of unemployment in the sixteenth century affirmed this law, and new laws were based on

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<sup>5</sup>Statutes at Large, Vol. 10, p. 109.

parts of it.

Acts for Control of Land in the Sixteenth Century

The earliest sixteenth century law against agricultural change came in 1514--the sixth year of Henry VIII's reign. The law was short and read as follows:

Whoever decayeth any town or house of husbandry, or doth convert tillage into pasture, shall forfeit to the Lord of the fees half of the profits thereof.<sup>6</sup>

This law states almost identically the problem and penalty of the 1489 law. In the 25 years between the enactments of the two laws, the enclosure movement had continued. Profits still determined the fine to be assessed. The lord of the fee, who controlled the large estates, collected the fine.

A similar law was enacted in 1515--just one year later. It stated:

If any person shall decay a town, a hamlet, or house of husbandry, or convert tillage into pasturage, the immediate Lord of the fee shall have the moiety (half) of the offender's land, until the offence be reformed.<sup>7</sup>

Parliament evidently continued to feel the pressure of unemployment caused by enclosures. The addition of "hamlet" to this law

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<sup>6</sup>The Statutes at Large - From the First Year of King Edward the Fourth to the End of the Reign of Queen Elizabeth, Volume the Second, printed by Charles Eyre and Andrew Straham, London, 1786, p. 113.

<sup>7</sup>Statutes at Large, Vol. 2, p. 117.

indicated an increase of activity in rural populated areas.

Under this law the penalty was to be assessed at the time of the enclosure instead of harvest time, when profits were determined. Swift action could convert the land back to tillage before displaced laborers moved from the area. The fine was strengthened by the taking away of land, instead of profits, from offenders.

These two laws, and the one enacted while Henry VII was king, were the first legal efforts dealing with unemployment in the English economy. The approach was to keep land producing row crops. Such land utilization required more farm labor than the pasturing of sheep. But profits from wool and mutton stimulated more enclosures, and with them came more legislation over the next 35 years.

In 1533 Parliament enacted a law entitled: "An Act Concerning the Number of Sheep One Should Keep." The preamble indicated economic problems caused by the new system of agriculture. It read as follows:

For as much as divers and sundry persons of the King's subjects of this realm, to whom God of His goodness hath disposed great plenty and abundance of moveable substance, now of late have daily studied and invented ways and means how they might accumulate and gather together into few hands, as well great multitude of farms as great plenty of cattle, and in special sheep, putting such land as they can get to pasture, and not to tillage, whereby they have not only pulled down churches and towns, and enhanced the old rate of rents, or else brought it to such excessive fines that no poor man is able to meddle with it, but also have raised and enhanced the prices of all manner of corn, cattle, wool, pigs, geese, hens, chickens, eggs, and such other,

almost double above the prices which hath been accustomed, by reason whereof a marvellous multitude of the people of this realm be not able to provide meat, drink, and clothes necessary for themselves, their wives, and children, but be so discouraged with misery and poverty that they fall daily to theft, robbery, and other inconvenience, or pitifully die for hunger and cold.<sup>8</sup>

Those from the manor-background of the Middle Ages dominated Parliament. The new land investors, referred to as persons with "great plenty and abundance of moveable substance," began to challenge the old landed class for land control. Thus, the conservative Parliament blamed the economic plight of the poor on farming for profit.

Land enclosures and removal of buildings had not been stopped by previous laws. Rack renting cleared the land of small acreage farmers. Inflation had begun as goods and services had to be purchased for the first time by those previously living on the land. These factors caused the living conditions of the poor or unemployed to deteriorate as new capital invaded the rural areas.

Commodity price increases (market prices for edible lamb and raw wool had recently doubled) attracted land investors. Funds were moved from urban areas to take advantage of higher yields available in agriculture. These capitalists had a strong incentive to build large flocks of sheep. Parliament members were not pleased with the situation in 1533 and so stated in the law as follows:

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<sup>8</sup>Statutes at Large, Vol. 2, p. 174.

. . . that one of the greatest occasions that moveth and provoketh those greedy and covetous people so to accumulate and keep in their hands such great portions and parts of the grounds and lands of this realm from the occupying of the poor husbandmen, and so to use it in pasture, and not in tillage, is only the great profit that cometh of sheep, which now become to a few persons hands of this realm . . . <sup>9</sup>

Flock sizes mentioned in the law ranged from 5,000 to 24,000 sheep. Parliament undertook to limit the flock to 2,000 sheep for each landowner. For exceeding this number, the landowner was fined 3 shillings 4 pence for each sheep above 2,000. The fining and administration of the law was placed with the local justices of the peace and not the lord of the fee, as in previous legislation.

The main thrust of the law's limit of flock size was an effort to break up a land monopoly that was developing. If successful, smaller farmers would have an opportunity to remain in agriculture and prices for commodities would become less inflationary. This law accepted sheep farming and made no effort to ban it or the enclosures that came with it.

The law made one other point--a new relationship of agriculture to manufacturing. The law spoke of the price increase for a "stone of clothing wool" causing a problem " . . . to the let (hindrance) of the cloth-making, whereby many poor people have been accustomed to be set on work . . . . "<sup>10</sup> By the reference to poor people working at cloth-

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<sup>9</sup>Statutes at Large, Vol. 2, p. 174.

<sup>10</sup>Statutes at Large, Vol. 2, p. 175.

making, the entrepreneur had begun the domestic system of manufacturing.

Two years later (1535) Henry VIII's lawmakers tried again to legislate against enclosures. The law was similar to the one enacted in 1489. The new law read as follows:

The King shall have the moiety (half) of the profits of those lands already converted from tillage to pasture sithence three years before Ann 4.H.7.\* until the owner both builded up a convenient house to inhabit, and converted the same pasture to tillage again; and also take the moiety (half) of the issues (crops) of those lands hereafter to be converted, if the immediate lord do it not within one year.<sup>11</sup>

Once more the law's direction was toward keeping people in the rural areas. The requirement that a house be built on converted land illustrates this point. Parliament's dislike of enclosures is apparent by the severity of the penalties.

Enclosures continued and by 1552 legislation was passed entitled: "An act for the maintenance of tillage, and increase of corn." The first sentence stated:

So much land shall be put in tillage, and so continued, as was at any time in tillage sithence Anno 1.H.8. upon pain the offender to forfeit five shillings an acre.<sup>12</sup>

Once again Parliament tried by political means to put row crops back upon land converted to pasture. But this law differed from

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\*Ann 4.H.7. means the fourth year of Henry VII's reign, 1489.

<sup>11</sup>Statutes at Large, Vol. 2, p. 225.

<sup>12</sup>Statutes at Large, Vol. 2, p. 427.

previous ones by exempting certain acreage. Land used for maintenance of a house could be left in pastures. The same was true for land that had been in pasture for the past forty years or wastelands not tilled for the past forty years. Other exemptions were orchards, gardens, or meadows mowed for hay. A one-year period was allowed for the conversion of any nonexempted land.

Two things were implied in the law. Although the title mentioned "increase of corn," no specific reference was made to the growing of grains. Also, nothing was stated that the law was a means of increasing employment. But any land converted from pasture would most likely be planted in grain, which required additional labor at planting, cultivation, and harvest times.

In 1555 a law was passed for setting up commissions to "enquire, hear, and determine all defaults and offences committed since Anno 20.H.8. or hereafter committed . . . " against the laws for decay of houses or towns or tillage into pasture.<sup>13</sup> The commission was to collect fines for the offences. For the first time enforcement was added for support of previous legislative action.

One other law dealt with this problem in the sixteenth century. During the fifth year of Queen Elizabeth's reign, 1562, emphasis was put on keeping land in tillage. The law passed required the use of one

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<sup>13</sup>Statutes at Large, Vol. 2, p. 527.

law of Henry VII and two laws of Henry VIII for "keeping in repair of towns and houses of husbandry, and maintaining of tillage." But this law went further in spelling out the land to be kept in tillage, as follows:

Such lands . . . as hath been put in tillage . . . and so kept four years sithence . . . Anno 20.H.8. shall be eared (cultivated) and kept in tillage according to the nature of the soil and the custom of the country by the occupier thereof, upon pain that every offender shall forfeit ten shillings an acre yearly . . . <sup>14</sup>

The law went on to exempt from the fine, pastures used for the owner's horses, draught-oxen, and cows or other cattle slaughtered for food to feed his family.

No other laws for controlling enclosures were passed in the sixteenth century, but a different approach to land utilization was enacted in 1587. Rural cottage building increased to provide housing for those being moved off farms. Often many cottages were crowded together on small plots of land. The law, therefore, specified that each cottage built have at least four acres of land. The land could be cultivated by the tenant and would be effectively removed from use as a pasture. Only one family was permitted to occupy a cottage, thus requiring the building of more cottages and the use of more land. <sup>15</sup>

The law had some exemptions. The four acres of land was not necessary with housing provided for workers in mines, quarries, mineral workers, or at making brick, tile, lime, or charcoal if located a

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<sup>14</sup> Statutes at Large, Vol. 2, p. 225.

<sup>15</sup> Statutes at Large, Vol. 2, p. 65.



mile or less from the place of work. The company village had begun. Housing in cities and towns also had no land requirement.

Control of enclosures seemed to be the main purpose of laws dealing with land use in the sixteenth century. Parliament legislated against the rapid transition from tillage to pasturage because of the disruption of set agricultural patterns, especially where labor or land utilization was involved. Along with these changes came social problems which will be examined next.

#### Laws for Control of the Unemployed

The unemployed were divided into two groups: the disabled and impotent who required community support and the able-bodied who needed work. Both were social problems unknown in the paternalistic system of the manor, but in the changing economy of the sixteenth century, both groups required financial and legal attention. During the sixteenth and seventeenth centuries, 25 separate national laws were enacted to deal with one or more facets of English unemployment.

#### Laws of Henry VIII

Two laws were significant during Henry VIII's reign. The first law, having the title: "An act directing how aged, poor, and impotent persons, compelled to live by alms, shall be ordered, and how vagabonds and beggars shall be treated," was enacted in 1530. The body of the law was only slightly longer than the title and read as follows:

The justices of peace in every county, dividing themselves into several limits, shall give license under their seal to such poor, aged, and impotent persons to beg within certain precinct, as they shall think to have most need: And if any do beg without such licence, or without his precinct, he shall be whipped, or else be set in the stocks three days and three nights, with bread and water only. And a vagabond taken begging shall be whipped, and then sworn to return to the place where he was born, or last dwelt by the space of three years and there to put himself to labour.<sup>16</sup>

The begging license and territorial assignments were new concepts for those unable to work. Prior to this time alms had been dispensed by the Catholic Church from funds collected for this purpose. A government official, the justice of the peace, was assigned to administer the law, thus removing any church relationships with this welfare function.

The vagabond mentioned was the able-bodied unemployed in the community. The whipping penalty was to encourage him to find work. The return of the vagabonds to his original location illustrated the attitude of communities toward strangers without jobs. This part of the law became part of several future laws in slightly different forms.

Within five years, 1535, the law was changed completely in some parts and substantial additions made to other parts. This law came without a title and began as follows:

All governors of shires, cities, towns, hundreds, hamlets and parishes, shall find and keep every aged, poor and impotent person, which was born or dwelt three years within the same

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<sup>16</sup>Statutes at Large, Vol. 2, p. 147.

limit, by way of voluntary and charitable alms in every of the same cities and parishes, with such convenient alms as shall be thought meet by their direction, so as more of them shall be compelled to go openly in begging. And also shall compel every sturdy vagabonds to be kept in continual labour.<sup>17</sup>

This part of the act revised the previous act by not permitting any begging. The governors replaced the justices of the peace as implementors of the law giving more control. The removal of almsgiving from the Roman Church and making it a governmental function was indicative of Henry VIII's imminent break with the Church. From this law forward, Parliament controlled all welfare activities by legislation.

Another aspect of adult unemployment developed in this law-- children used by parents as beggars. The law made one statement about this subject:

Children under fourteen years of age, and above five, that live in idleness, and be taken begging, may be put to service by the governors of cities, towns, to husbandry, or other crafts or labours.<sup>18</sup>

The governors had the discretion of putting the children to work or not. In future laws that discretion was removed. The only work specifically mentioned was farm labor which reflects the lawmakers' attitude toward getting these children out of towns and cities.

As unemployment grew, the vagabond problem grew with it.

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<sup>17</sup>Statutes at Large, Vol. 2, p. 229.

<sup>18</sup>Statutes at Large, Vol. 2, p. 229.

The previous laws punished the vagabond by whipping for not being employed, and he was sent back to his birthplace. "A valiant beggar or sturdy vagabond" was also to be punished by whipping, and the law went further to provide a punishment for second and third offenders. The law speaking of the valiant beggar or sturdy vagabond, above, states:

. . . and if he continues his roguish life, he shall have the upper part of the gristle of his right ear cut off; and if after that he be taken wandering in idleness; or is not in service with any master, he shall be adjudged and executed as a felon.<sup>19</sup>

The punishments were severe but so were the pressures from the increasing unemployed labor force caused mainly by loss of agricultural jobs. Most of those idled were considered by parliament members to be villeins who must be treated harshly to make them work.

#### Laws of Edward VI

Two important laws were passed while Edward VI was ruling England. The first was entitled: "An act for the punishing of vagabonds, and for the reliefe of the poore and impotent persons." Previous laws had provided for the deserving poor first. This law launched immediately into the conditions caused by unemployment. The law stated:

Forasmuch as idleness and vagabondrie is the mother and roote of all thefts, robberies and all evil actes and other mischiefes, and the multitude of people given thereto both always been here within this realme very great, and more in number (as it may

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<sup>19</sup>Statutes at Large, Vol. 2, p. 227.

appeare then in other regions) to the great impoverishment of the realme, and danger of the King's highnesse subjects; the which idlenesse and vagabondy all the King's highnesse noble progenitorers, Kings of this Realme, and this high court of parliament both often and with great travell gone about and assayed with godly acts and statutes to repress; yet untill this our time it hath not had that successe which hath been wished, but partly by foolish pitie and mercie of them which should have seene the said godly lawes executed, partly by the perverse nature and long accustomed idleness of the persons given to loytering, the said godly statutes hitherto have had small effect, and idle and vagabond persons, being unprofitable members, or rather enemies of the commonwealth, have been suffered to remaine and increase, and yet so doe, whom if they should be punished by death, whipping, imprisonment, and with other corporall paine, it were not without their deserts for the example of others, and to the benefite of the commonwealth, yet if they could be brought to be made profitable, and do service, it were much to be wished and desired.<sup>20</sup>

All previous acts had approached the unemployment problem from the social viewpoint; the idle in a community were troublemakers and were to find jobs or be punished. Employment was a means of maintaining social stability and was not considered for its economic value.

This law's preamble stated the inadequacy of earlier law enforcement to control the unemployment situation. However, the statement about idle and vagabond persons' "being unprofitable members . . . of the commonwealth" gave recognition to the economic loss from unemployment. New thinking was shown in the second part of the statement: " . . . yet if they could be brought to be made profitable, and do

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<sup>20</sup>Statutes at Large, Vol. 10, p. 139.

service, it were much to be wished and desired." Although not emphasized appreciably in this law, economic factors were included in later laws.

Under this law, the vagabond was described as a person lurking in a house, loitering, wandering along the highway, or anyone leaving a master before completion of a labor contract. Upon being identified as a vagabond, the person had three days to find employment. If unable to find work, the person was branded with the letter "V" on the breast. Work was then provided by the city or town for a stated period of time.

Those who contracted with a master for labor services but ran away before completing the contract, were branded with a "V" when caught. In addition to branding, they were made slaves to their masters for a two-year period. If they ran away again, an "S" was branded on the cheek and they were made slaves for life. If they ran away a third time, these vagabonds were considered felons and executed.

Those vagabonds not native to the community were branded and sent back to their birthplaces. A transmittal was sent with them to the governing authority explaining the situation. If not hired by a private master, the returning vagabond could be assigned to a public work project, such as highway repair. Running away from a public assignment carried the same penalties as leaving a private master.

A vagabond-slave became a commodity. He could be sold,

leased, or given away by his master. The city or town had these same rights as the private master.

This lengthy law enacted in the first year of Edward VI's reign (1547) had one other important section. This part of the law dealt with children of the unemployed. The introduction to Section VII explained the problem:

And forasmuch as divers women and men goe on begging waifaring, of the which some be impotent and lame, and some able enough to labour, which doe carrie children about with them some foure and five yeeres of age, or younger or elder, which brought up in idleness might be so rooted in it, that hardly they may be brought after to good thrift and labour: or if any child above the age of five yeeres, and under the age of fourteene yeeres, goe idle and wandering about as a vagabond . . . .<sup>21</sup>

The law at this point planned for the future. The lawmakers realized the idleness cycle must be broken. The group to change the cycle were the younger generation of those who were idle.

The remedy for overcoming the problem was to take children away from parents who were beggars or to arrest children caught begging. The children in these two categories (between the ages of 5-14) were brought before a justice of the peace and a constable for placement. Each child was assigned to a master or mistress willing to bring him or her up in an occupation as an apprentice or a servant. Sex and age determined the release date for each child so placed--females at 20 years of age and males at 24 years of age. Future laws followed some

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<sup>21</sup>Statutes at Large, Vol. 10, p. 140.

of the patterns set forth here.

Those serving as apprentices or servants could be leased, donated, sold, or assigned. If a child ran away and was caught, he was to serve as a slave to his master until his release date.

One paragraph at the end of the law dealt with the care of the aged, disabled, and impotent poor. It read as follows:

Be it enacted by authority aforesayde, that every Sunday and Holiday after the reading of the Gospell of the Day, the curate of everie parish doe make (according to such talent as God hath given him) a godly and briefe exhortation to his parishoners, moving and exciting them to remember the poore people, and the dutie of Christian chartie, in relieving of them which be their brethren in Christ, borne in the same parish, and needing their helpe.<sup>22</sup>

Henry VIII's outlawing of the Catholic Church effectively eliminated organized alms collection and giving. But the need remained in each community. The new State Religion required an act of Parliament to become involved in this relief project. Contributions were voluntary and depended on how well the curate did his job. By the fourth or fifth successive Sunday, the curate must have had difficulty "moving and exciting" the congregation to contribute generously.

The second enactment of Edward VI's reign came in 1549. The title told its purpose: "An act touching the punishment of vagabonds and other idle persons." The introduction in the law told of some serious conditions:

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<sup>22</sup>Statutes at Large, Vol. 10, p. 142.



Forasmuch as it is notoriously seene and knowen, that vagabonds and beggars be daily increase within this the King's highnesse realme into very great numbers, chiefly by occasion of idleness, mother and root of all vices, whereby doe insure continuall thieves, murders, conspiracies, and other sundry deivous offences, and partly for that the good and wholesome lawes and statutes of this realme, hath not beene put in due execution, and partly also, by reason of the multitude of the same (the extremitie of some whereof have beene put to use) therefore, and for divers good considerations it is enacted by the King our sovereigne lord, with the assent of Parliament.<sup>23</sup>

The growing crime rate alarmed members of Parliament. The act passed two years previously was repealed. The law of Henry VIII enacted in 1530, legalizing begging and punishing vagabonds by whipping, was reinstated. Slavery for run-away vagabonds was no longer legal.

The placement of children being raised in idleness received the same attention previously given it, but with slight modification. A short paragraph introduced this part:

And forasmuch as divers men and women going on begging, impotent and lame, and some able enough to labour, doe carry children about with them of tender age, and some of foure, five or six yeeres of age, or younger, or elder, which being once brought up in idlenesse, will hardly be brought after to any good kind of labour, paine, travell, or service.<sup>24</sup>

The same process was followed in assigning the child to a master as was used in the previous act. One change was the release age. A female child was to be released at age 15 and the male child at age 20. The female could be released prior to 15 if she married. The

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<sup>23</sup>Statutes at Large, Vol. 10, p. 143.

<sup>24</sup>Statutes at Large, Vol. 10, p. 145.

clerk of the court, at the time of placement, recorded the child's age on a special form.

The previous law allowed a master to apprentice a child assigned if the master was a tradesman or craftsman. The new law permitted the assignment only as a servant. Those so assigned were relegated to a life of manual labor. The master was given permission to use any punishment on a run-away child returned to him, but the child was not made a slave for running away.

These two laws of Edward VI influenced later legislation preparing poor children for useful work in the future. Release dates and placement procedures are found in the Statute of Artificers (1562) and The Poor Law (1601).

#### Laws of Queen Elizabeth

Several pieces of labor legislation were enacted during the long reign of Queen Elizabeth I. One of the most important was the Statute of Artificers passed in 1562. Part of the preamble stated the main purposes of this law:

So if the substance of as many of the said laws as are meet to be contained, shall be digested and reduced into one sole law and statute, and in the same an uniform order prescribed and limited concerning the wages and other orders for apprentices, servants and labourers, there is good hope that it will come to pass, that the same law (being duly executed) should banish idleness, advance husbandry, and yield unto the hired person, both in the time of scarcity and in the time of plenty, a convenient proportion of wages.<sup>25</sup>

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<sup>25</sup>Statutes at Large, Vol. 2, p. 527.

The consolidation of many previous acts into this one required 48 sections--a long law by English standards of the times.

The banishment of idleness as a purpose indicated continuing concern for unemployment. The advance of husbandry, mentioned above, showed the emphasis placed on maintaining an agricultural economy. Omitted was any reference to the stimulation of industry or trade.

Some 31 trades or services, identified in the law, hired and laid off workers as the work load fluctuated. Hiring periods could be by the day, week, or month, and when completed, the worker became unemployed unless other work was found. To offer more stable employment, the law specified that workers be hired for a minimum of one year in these trades or services. The purpose was to reduce community idleness by providing steady work. The hiring methods, working hours, and means of giving notice by employee and employer were included in this section. If steady employment could be provided, those workers normally released during slack periods would not become community problems as idlers.

Apprenticeship became universal. The seven-year apprenticeship required in London was used as the industrial standard throughout England. Agriculture was given the status of a craft so apprentices could be indentured in the rural areas. In socially conscious England of the sixteenth century, the financial status of the parents determined the trade, craft, or business to which the youth was apprenticed. Agri-

culture and 25 semi-skilled crafts were reserved for the children of parents owning no land, house, or personal property--the poor.

Required apprenticeship served two purposes. One, protection was given to the journeymen who faced competition from the unskilled in an abundant labor market. Two, those indentured became somewhat settled and were eliminated as possible vagabonds. With no school system to remove young workers from the labor market, apprenticeship served as a sixteenth century equivalent.

Apprenticeship was mandatory for anyone unemployed under 21 years of age. Though a 7-year learning period was set, release as a journeyman was not automatic at the end of the time. The apprentice, also, had to be 21 years of age or older except in corporate towns where the minimum release age was 24 years. The basis for the minimum age for release had social connotations. As the apprentice was not free to marry while indentured, Parliament, with this requirement, tried to delay the establishment of poor households, especially in the towns and cities.<sup>26</sup>

Another section dealt with poor households of young couples. Those married and under 30 years of age with income property renting for less than 40 shillings per year and personal goods worth less than 10 pounds were to work in agriculture, or in certain named occupations.

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<sup>26</sup> Margaret Gay Davies, The Enforcement of English Apprenticeship 1563-1642, Harvard University Press, Cambridge, Mass., 1956, p. 3.

The same applied to any unmarried person regardless of age. Parliament's agricultural members supported this section as a source of rural labor; the urban members viewed it as a means of reducing crime and other social unrest.<sup>27</sup>

Although the statute was quite lengthy, all sections referred to the able-bodied unemployed. The act made no provisions for those unable to work.

The vagabond problem again received legislative attention in 1572. Severe physical punishment was to be administered to those classed as vagabonds. Portions of the law were as follows:

A vagabond above the age of fourteen years shall be adjudged to be grievously whipped, and burned through the gristle of the right ear with a hot iron of the compass of an inch, unless some credible person will take him into service for a year. And if being of the age of eighteen years, he after do fall again into a rogish life, he shall suffer death as a felon, unless some credible person will take him into service for two years. And if he falls a third time into a rogish life, he shall be adjudged a felon.<sup>28</sup>

The punishment by whipping came from the law of 1530 and the burning of a hole in the ear was similar to the cutting off of the upper part of the right ear of the 1535 law.<sup>29</sup> From this point on the law read differently. No provisions were made to send the vagabond back to his birthplace after punishment. The unemployed person found a job or

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<sup>27</sup>Davies, p. 3.

<sup>28</sup>Statutes at Large, Vol. 2, p. 595.

<sup>29</sup>Statutes at Large, Vol. 2, p. 227.

was punished a second time more severely. The punishment for first or second offences was remitted by accepting a respected citizen's offer of employment.

This law, coming just ten years after the Statute of Artificers, indicated that youth apprenticeships were not controlling vagabonds in the 14 to 18 age groups. The compulsory assignment to husbandry under authority of the 1562 statute would have been more worthwhile. Either the 1562 law was not enforceable or the vagabond problem was growing so rapidly more drastic action was warranted.

The law of 1576 took a new approach for helping the poor. Each city or town was required to provide a stock of materials to be assigned to those unemployed but able to work. The raw materials were converted into finished goods. When sold, the money received replenished the stock and paid the poor worker something for the labor he expended. The placement of stock was a recognition of the success of the new domestic system of manufacturing. The skilled or semi-skilled unemployed, especially in urban areas, benefitted from this provision.

This law authorized the establishment of houses of correction in every county. Located mostly in the rural sections, these "houses" were more like small factories. Materials and machines were furnished for the unemployed to learn a skill (usually clothmaking) or to provide a work place for those with skills. The "house" had living facili-

ties for those assigned to it.

The providing of stock and the establishment of houses of correction were approaches at getting the poor to work. The houses of correction introduced an economic concept never used before--work done outside the home or field with tools and materials not owned by the worker. The acclimation of the working population to the factory had begun.

In 1597 the patch-work system of laws dealing with the unemployed were repealed. A major piece of legislation emerged from Parliament titled: "An act for punishment of rogues, vagabonds, and studie beggars." The first section requires the building of houses of correction. The local justices of the peace in counties or cities were:

. . . to set down order to erect, and to cause to be erected one or more houses of correction within their severall counties or cities: for the doing and performing whereof and for the providing of stockes of money, and all other things necessary for the same, and for raising and governing the same, and for correction and punishment of offenders thither to be committed . . . .<sup>30</sup>

The early houses of correction must have worked well between 1576 and 1597.

Defined in the next section were those covered by the act. Along with jugglers, tinkers, and peddlers were the true unemployed. This group was defined as follows:

. . . all wandering persons and common labourers, being persons

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<sup>30</sup>Statutes at Large, Vol. 10, p. 167.

able in body, using loytering, and refusing to worke for such reasonable wages, as is taxed or commonly given in such parts, where such persons doe or shall happen to dwell or abide, not having living otherwise to maintain themselves . . . shall be taken, adjudged, and deemed rogues, vagabonds, and sturdie beggars, and shall sustain such paine and punishments, as by this act is in that behalfe appointed.<sup>31</sup>

The unemployed worker desiring a job and actively looking for employment had little chance of escaping punishment.

The punishment for being a rogue, vagabond, or beggar reverts to the 1530 law of Henry VIII. Included in the law were females for the first time. Past laws had assumed that the rogues, vagabonds, and beggars were males.

Section III specifies the punishment for those judged to be rogues, vagabonds, or beggars. It was as follows:

. . . bee stripped naked from the middle upwards, and shall openly whipped untill his or her bodie be bloodie; and shall be forthwith sent from parish to parish by the officers of every the same, the next straight way to the parish where he was borne, if the same be knowne by the parties confession, or otherwise. And if the same bee not knowne, then to the parish where he or she last dwelt before the same punishment by the space of one whole yeare, there to put him or her selfe to labour as a true subject ought to doe . . . .<sup>32</sup>

Physical punishment remains as the prime incentive for encouraging the unemployed to seek work. After being on the law books in some form for over sixty years, unemployment problems still persisted.

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<sup>31</sup>Statutes at Large, Vol. 10, p. 167.

<sup>32</sup>Statutes at Large, Vol. 10, p. 167.



Landmark legislation was enacted in 1601. Though entitled "An Act for the Relief of the Poor," the title became shortened to "The Poor Law." The law addressed itself to three main areas of unemployment: the able-bodied unemployed, those unable to work, and those with a high likelihood of becoming unemployed in the future--the untrained children of unemployed parents.

The untrained young people are the first mentioned in the law.

This part read as follows:

And they (churchwardens and overseers of the poor) or the greater part of them, shall take order from time to time, by, and with the consent of two or more justices of peace as is aforesaid, for setting to work the children of all such whose parents shall not by the said churchwardens and overseers, or the greater part of them be thought able to keep and maintain their children.<sup>33</sup>

The authorization by law to place a child on a job because of the parents' economic condition was a new approach to future unemployment. After one hundred years of unemployment in England, the lawmakers realized that whole generations in some families grew up without exposure to work. If this pattern of unemployment was to be broken, younger generations needed to learn an acceptable skill or trade. The destitute parents could not provide this training; therefore, action by the state was necessary to provide these job-training opportunities.

The second unemployed group considered by the law were the

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<sup>33</sup>Statutes at Large, Vol. 2, p. 685.

able-bodied adults. They were identified as follows:

And also for setting to work all such persons, married or unmarried having no means to maintain them, and use no ordinary and daily trade of life to get their living by.<sup>34</sup>

The tone of this law is different from most previous ones. A positive statement, "for setting to work," is used and provisions are made for implementation. Earlier laws concentrated on apprehending the unemployed person and punishing him. In fact, rogues, vagabonds, and beggars are not mentioned in The Poor Law.

The third group specified for help were those unable to work. They were provided for as follows:

And also competent sums of money for and towards the necessary relief of the lame, impotent, old, blind, and such others among them, being poor, and not able to work . . . .<sup>35</sup>

The first two groups were to be put to work. The third group was to be given "relief" and became the first identified welfare recipients. This group was to receive monetary payments from the parish and was not to beg.

Funds were to be available to set to work children of destitute families and those able, but unemployed, adults. Another unique feature of The Poor Law was the provision of taxation to finance these various projects. The overseers of the poor and the churchwardens were authorized:

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<sup>34</sup>Statutes at Large, Vol. 2, p. 685.

<sup>35</sup>Statutes at Large, Vol. 2, p. 685.

. . . to raise weekly or otherwise by taxation of every inhabitant, parson, vicar and other, and of every occupier of lands, houses, titles impropriate, propirations of titles, coal-mines, or saleable underwoods in the said parish, in such competent sum or sums of money as they shall think fit . . . .<sup>36</sup>

When the amount of taxes needed was determined, the justice of the peace for the county yearly set each parish's tax rate. The maximum weekly rate was 6 pence and the minimum was a half penny. The parishioners in the individual parishes ratified the rate by vote.<sup>37</sup>

Along with taxation, the justices of the peace received enforcement powers for collecting the assessments. Anyone failing to pay the tax could be fined, have a foreclosure sale of property, or be sentenced to jail or a house of correction until the tax was paid.

With tax funds available, The Poor Law became viable. The indenturing fee was paid for poor children apprenticed to worthwhile trades or skills. Those so indentured were removed from the job market for an extended period. The termination age for men was 24 years and for women, 21 years, or at the time of her marriage if earlier. These stipulations could make the apprentice serve for ten to twelve years if indenturing occurred at an early age.

The overseers of the poor were authorized to provide "a convenient stock of flax, hemp, wool, thread, iron, and other necessary

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<sup>36</sup>Statutes at Large, Vol. 2, p. 685.

<sup>37</sup>Statutes at Large, Vol. 2, p. 627.

ware and stuff, to set the poor on work."<sup>38</sup> The able-bodied unemployed were to draw these raw materials for conversion into finished goods in their homes. The overseers sold the finished goods, replenished the raw stock, and paid an amount to the laborers. By the law's concentration only on manufacturing activities, a shift away from an agricultural economy became evident. Nowhere in The Poor Law is husbandry mentioned for apprenticeship or as an employment possibility.

Tax money was allotted for relief of those unable to work. Public housing was to be provided for the impotent poor. With a lord's permission, "houses of dwelling" were to be built on idle land such as waste or commons. The churchwardens and overseers of the poor decided who among the destitute used the housing. The tax funds remaining were paid as transfer payments according to need.

The poor had one other means of support--family members.

The law stated as follows:

That the father and grandfather, and the mother or grandmother, and the children of every poor, old, blind, lame, and impotent person or other poor person not able to work, being of sufficient ability, shall, at their own charge, relieve and maintain every such poor person . . . .<sup>39</sup>

For not doing so, the relative could be fined 20 shillings for

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<sup>38</sup>Statutes at Large, Vol. 2, p. 685.

<sup>39</sup>Statutes at Large, Vol. 2, p. 686.

each month the support was not paid.

The Poor Law was enacted in the last year of Queen Elizabeth's long and successful reign. The law began a transition that approached the unemployment problem in a different way. No physical punishment was specified for those not working. Instead, opportunities for meaningful work were provided in the community. The economic value of labor was emerging.

### CHAPTER III

#### UNEMPLOYMENT IN PRODUCTION AND MARKETING OF GOODS

As agricultural changes released manorial labor, a great migration to cities and towns began. Joining the unskilled farm laborers were the skilled and semi-skilled workers from abandoned villages. The movement of those groups made urban areas grow dramatically, especially after 1550.

The high concentration of unemployed labor offered investment capital an opportunity to utilize those wanting work. The domestic system of manufacturing evolved from this situation and worked in this way. Investment capital was used to purchase and deliver raw materials to a worker's home. The worker, at home, converted the materials into finished goods with his skills and tools. When the goods were finished, the capitalist paid the workers a contracted amount for his labor and took delivery of the finished goods. The capitalist marketed the goods to recover his raw material and labor costs plus a return on the investment. The capitalist became known as an entrepreneur. The domestic system got its name from the home environment where the work was done.

Capital became available from merchants, tradesmen, or land owners. The clothiers were especially interested in this type of manu-

facturing ventures as cloth making was easily adapted to domestic production. England's productive base permanently expanded as the domestic system spread into towns and rural areas beyond the jurisdiction of gild regulations.

Stimulation of trade brought requirements for transportation of goods to internal and external markets. Service organizations developed along the market routes and in the market towns and cities. Bridge, canals, road building, and shipbuilding became active as improvements were made to existing facilities and new ones were built. These varied activities provided a second outlet for utilizing those prepared to do only manual labor. Once again the entrepreneur's capital, ready to venture into new opportunities, was used to organize these new commercial businesses.

Demand for agricultural commodities and materials needed to support urban populations increased with each city inhabitant. Lumber and building materials, coal and firewood, and foodstuffs came from rural areas and required transport and storage facilities. Because of the stocking and distribution necessary in the cities, the merchant-entrepreneur became part of the urban economy. Additional unskilled or semi-skilled labor was required at the producing and distributing ends of the system to handle the commodities and was a third source of employment, especially in the seventeenth century.

Goods and services on the manor cost the villein little or no-

thing. As a displaced agricultural worker, the villein paid the current prices for goods and services in urban communities. These prices reflected rising transportation and distribution costs. (Firewood tripled in price over a fifty-year period.) Unemployment in the urban centers, under these conditions, caused immediate destitution.

Those providing labor for the domestic system depended entirely on income from goods production. Without the manor's paternalism or the gild's fraternalism, these workers had no source of relief when poor economic conditions reduced or stopped production. To help those in need, Parliament passed legislation stabilizing established jobs, stimulating investments, and subsidizing jobs useful to the economic or political segments of the country.

This situation also affected the workers in transport, storage, merchandizing, and service industries. Competition became severe for any type of employment during these depression periods.

### Causes of Unemployment

#### Foreign Competition

Throughout the Middle Ages, high quality English raw wool went to Dutch, Flemish, French, and Italian weavers. This wool came back to England as fine finished woolens to be bought by the royal family and the lords. At the same time, the English weaver manufactured rough woolens for villein clothing. Other finished goods were imported



because English skills were not available to produce them.

As English craftsmen learned new techniques of production and became more experienced, their products compared favorably with foreign goods. Dislodging the well established competition proved difficult in the home market. By lobbying for legislative help, the domestic producer received legal advantage over outsiders.

Early in Henry VIII's reign (1511), the hat and cap makers received special protection. All importation of hats and caps were prohibited, eliminating foreign competition.<sup>1</sup> But to protect the English consumer, wool qualities were specified and prices set on each hat or cap. A stamping was required to identify the wool used. The law did not increase raw wool production, but the manufacturing of finished goods provided additional employment. Later legislation was more specific concerning employment as a justification for import control.

Parliament showed no reluctance to enact legislation prohibiting the importation of goods in direct competition with English goods. Also, laws protected the start up of finished goods manufacturers in England when the raw materials were present for making finished goods which were previously imported.

During the latter part of the seventeenth century, import control legislation was used to reduce the poor rolls by creating jobs. One law

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<sup>1</sup>Statutes at Large, Vol. 2, p. 105.

in 1662 entitled: "An Act prohibiting the importation of foreign bone-lace, cutwork, embrodiery, fringe, band strings, buttons, and needle-work" stated in its preamble:

. . . great numbers of the inhabitants of this kingdom are employed in the making of bone-lace, band strings, needlework, fringe, and imbroideries, who by their industry and labour, have attained and gained so great skill and dexterity in the making thereof, that they make as good of all sorts as is made in any foreign parts, by reason whereof, they have been heretofore able to relieve their poor neighbors, and maintained their families, and also to set on work many poor children and other persons who have very small means or maintenance of living, other than by their labours and endeavours in the said art.<sup>2</sup>

The law mentioned the importation of thread and raw silk and the duty revenue lost if not required by local manufacturers. To shut off the import of finished goods, a fine of one hundred pounds was assessed on the importer and a 50-pound fine placed on the retailer.

One other method was used to control foreign competition. Raw wool from English flocks furnished much of Europe's productive needs. Flock owners in Europe wanted breed stock from English sheep strains.

In 1662 a law was passed prohibiting the export of several commodities. The long title included the commodities covered: "An act against exporting of sheep, wool, wool-fells, mortlings, shorlings,

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<sup>2</sup> The Statutes at Large from the First Year of King James the First to the Tenth Year of the Reign of King William the Third, Volume the Third, printed by Charles Eyre and Andrew Strahan, London, 1786, p. 227.

yarn made of wool, wool flocks, fullers-earth, fulling-clay, and tobacco-pipe clay." The law's introduction stated the conditions, as follows:

Whereas against the laws of this kingdom great numbers of sheep, and great quantities of wool, wool fells, mortlings, shorlings, yarn made of wool, wool flocks, fullers-earth, or fullers-clay, are secretly exported, transported, carried and conveyed, out of the Kingdom of England, Dominion of Wales, the Town of Beswick Upon Tweed, and Kingdom of Ireland, into the Kingdom of Scotland, and into foreign parts, to the great decay of the woolen manufacturers, the ruin of many families, and the destruction of the navigation and commerce of the kingdoms, town, and dominion aforesaid, which is like daily to increase if some further remedy be not provided, and further penalties imposed upon the offenders therein.<sup>3</sup>

The introduction indicates that woolen manufacturing in England consumed all the domestic raw wool produced. Fullers-earth and fulling-clay, used in finishing cloth, were needed by home industries. One other factor was involved; any of these exported commodities competed with English goods in foreign markets.

Illegal export of fullers-earth or fulling-clay was carried on by calling them "tobacco-pipe clay."<sup>4</sup> To stop this traffic, a penalty of three shillings was placed on each pound of tobacco pipe clay.

The act provided some means of slowing the outflow of wool and sheep. The movement of these commodities out of the country was punishable with a fine and prison term. The goods were to be confiscated.

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<sup>3</sup>Statutes at Large, Vol. 3, p. 231.

<sup>4</sup>Statutes at Large, Vol. 3, p. 232.

Restrictions required the handling of wool only during daylight hours, and no wool was to be packed in hogsheads, chests, or casks. Parliament recognized the effect continuing export of these commodities had on English employment and trade.

Another method used to combat foreign competition was the chartered trading companies. Given monopolistic rights by royal charter to a certain foreign market, merchants entered markets where English goods were not known. Two companies were especially successful.

Some adventurers set out in the middle of the sixteenth century to find a trade route to China. Traveling the northern sea route, they landed in Russia. Contact was made with the Czar, who requested a trade pact with Edward VI. News of this excited the merchants in London, for there was a possibility of establishing a new market for English cloth. The domestic cloth market was adequately supplied, and export expansion was badly needed. The prospect of a new outlet was favorably received.<sup>5</sup>

The adventurers and their backers began negotiations with the Crown for the privilege of developing this trade. Early in 1555 a royal charter was granted to the Muscovy Company which permitted the company a monopoly on all trade with Russia. Organized with a group of

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<sup>5</sup>Foster Rhea Dulles, Eastward Ho! Houghton Mifflin Co., Boston, 1931, pp. 25-27.

203 backers, many of whom were high officials in government, the company immediately prepared for the next Russian expedition. It carried a cargo of cloth and sugar. The third trip took woolens, Hampshire kerseys, colored line cloth, pewter, and sugar and returned with sperm oil, tallow, wax, hemp, yarn, flax, and furs. At this point the merchant-adventurers had become a vital part of English commerce and a great stimulus to industry and agriculture.

Plans for a second trading company resulted from merchants in Amsterdam raising the price of pepper from three shillings to eight shillings a pound, thus incurring the wrath of every household in England. The English determined to break the Dutch spice monopoly. In 1600 Queen Elizabeth issued a charter to a company of 215 knights, aldermen, and merchants, officially named the Company of Merchants of London Trading in the East Indies. The charter granted a monopoly of the Eastern trade to the company "for the honour of our Nation, the welfare of the people, the Increase of our Navigation, and the Advancement of lawful Traffic to the benefit of our Commonwealth." From this beginning grew the greatest trading company the world had known--The East India Company.

Mainly with the help of these two trading companies, England became a naval and commercial power during the sixteenth and seventeenth centuries. The growth of the East India Company was fantastic as it increased from its original capitalization of 30,000 pounds in 1600

to 1,500,000 in 1693.<sup>6</sup>

The renewal charter in 1693 stipulated that the company export British goods valued at 100,000 pounds or more each year. Other monopolies were granted by the Crown to the Virginia Company, set up for the colonial trade in America, but none could compare with the East India Company and what it was able to do for the home industries and merchants.

### Immigration

After the Reformation, England became the haven for those suffering religious persecutions. The Low Countries and France were the main sources of religious immigrants. The first wave arrived in 1544 and the second in 1567.<sup>7</sup> The English working population was hostile to this influx of jobless foreigners added to the unemployed villeins looking for work.

Many did not remain jobless long, for their skills and experience made them valuable additions to the English labor force. Dutch immigrants introduced the brewing of beer and revived the brick making industry. Textile workers brought new manufacturing techniques.

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<sup>6</sup> Sir George Nicholls, A History of The English Poor Law, Vol. 1, P. S. King & Son, London, 1898, p. 339.

<sup>7</sup> W. J. Ashley, An Introduction to English Economics History and Theory, Vol. 1, Longman, Green, and Co., London, 1914, pp. 238-239.

Textile goods made from flax and hemp were largely imported. Parliament, in 1691, passed legislation for the encouragement of growing flax and hemp in England. The law included an inducement for foreign craftsmen to bring their manufacturing skills to England. For utilizing his skill in England for three years, the foreign craftsman was offered full citizenship. This law aimed at increasing employment in agriculture and industry.

#### Decay of the Gilds

Two laws eroded the gilds' political power--the Statute of Artificers and The Poor Law. Both stipulated that apprenticing be done by the local justices of the peace and not the gild masters.

Apprenticeship became a method of relieving unemployment and not exclusively for perpetuating a skill or trade.

The domestic system of manufacturing grew as entrepreneurs expanded operations in rural and suburban areas. Ambitious journeymen and partially trained apprentices left their masters to capitalize on the domestic system movement. Those leaving the gilds became subject to market changes and unemployment. Lost was the protection against adverse conditions afforded gild members. Lost was contracted employment given to gild apprentices and journeymen.

Parliament showed no reluctance to challenge a gild when unemployment became a problem. The silk throwers gild, about 1668, enforced a bylaw restricting machinery used in silk weaving. By keep-

ing the output per man low, English silks were not competing with foreign goods produced without restrictions. Pressured by immediate unemployment, Parliament passed a law restraining the gild. A section of the law follows:

Whereas the art of working and throwing of silk (for many years past giving imployment to the poor of the kingdom) hath of late been obstructed, by reason that the present master and wardens; and part of the assistances and commonalty of the trade, art, or mystery of silk throwers of the city of London, have endeavoured to put in execution a certain bye-law, by them made near forty years since, restraining and stinting the freeman of the said company, that they shall not work with above the number of one hundred and sixty spindles at one time, and the assistants of the said company with above the number of two hundred and forty spindles: which is a hindrance to the growth and improvement of the said art, and a restraint to the working of silks in the kingdom, which is of late much improved, and to the subsistence and livelihood of many thousand poor families, and put the traders in that commodity upon a necessity of using foreign thrown silk.<sup>8</sup>

The bylaw was ruled null and void. In addition, the gild was restrained from enacting any other bylaws limiting the number of mills, spindles, or other tools useful in silk throwing. One other part concerned the number of apprentices a freeman could employ. The law read: "That no by-law already made, or hereafter to be made by the said company to take a less number than three apprentices at any time."<sup>9</sup> This law increased employment in the London-centered silk industry.<sup>10</sup>

The guilds became subservient to the central government. They

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<sup>8</sup>Statutes at Large, Vol. 3, p. 295.

<sup>9</sup>Statutes at Large, Vol. 3, p. 296.

<sup>10</sup>Statutes at Large, Vol. 3, p. 296.



no longer were economically and politically powerful.

### Economic Changes

The stable environment of the manor and gild was in equilibrium economically but not politically. The lords of the manors and the gild masters maintained absolute control over the economy within their domains. With steady economic backing, political or other activities could be undertaken confidently. There was little economic change under these conditions.

When Henry VII established a central government, political equilibrium began to emerge. The new politics affected the economy and required economic change. The central government abolished the little kingdoms of the lords and began to take over the little governments of the gilds.

The abolition freed the economy and allowed changes to begin at the lowest economic level, the producers. Economic change precipitated political change. Acceptance of the political change was determined by the answer to the economic question, "How profitable is it to the producer?"

Political stability depended on economic stability. Political actions came in response to economic changes.

### Urban Unemployment

Created by the movement of released farm labor moving to towns and cities, urban unemployment required some political action.

Queen Elizabeth issued a proclamation against "idle persons and vagabonds," which stated that those able to work but not employed were to be jailed. Adults were sent to Bridewell Prison; children under 16 were sent to Christ's Hospital. The proclamation in 1569 was the first reference to urban unemployment problems. The institutions mentioned were located in London.<sup>11</sup>

Legislation authorizing "houses of correction" was passed in 1576.<sup>12</sup> The "houses" were to furnish work for the able-bodied unemployed in a disciplined environment. This act, and two others enacted in 1597 and 1601, required the community to stock certain raw materials. The skilled unemployed of the community were to convert the materials into finished goods. Goods produced in houses of correction or by skilled, jobless workers in their homes were sold on the commercial market. These projects were aimed at the urban unemployed. Skills used to produce finished goods were not those used in agriculture.

Houses of correction were authorized in 1576; however, some parishes and counties evidently had not complied with the law. Substantial tax funds were required to build the houses and local officials showed a reluctance to spend this money. In 1609 James I ordered strong legislation requiring construction of houses and proper equipment for them.

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<sup>11</sup> Nicholls, p. 177.

<sup>12</sup> Statutes at Large, Vol. 2, p. 601.

The justices of each county were subject to a fine if the houses were not ready by a specified date. After the local house was built, the justices were to round up "rogues, vagabonds, wandering and idle persons" for punishment or place them in the house of correction. This activity was to take place twice a year.<sup>13</sup> The house had a dual purpose of providing employment for the idle and work punishment for the disorderly.

Houses of correction became places where trades or skills were taught to those with neither. Some compensation paid those working there came from revenues received from the goods sold. The compensation was small for the individual invested only his labor; tools and raw materials were furnished for him.

Near the middle of the sixteenth century, a machine was invented called a gig-mill. Designed to raise the nap of woven cloth, the gig-mill became an immediate threat to the fuller's guild. Possible unemployment of fullers, who hand processed the cloth, was foreseen. Under guild pressure, a law was passed in 1552 entitled: "An Act for the putting down of gig-mills." The preamble showed Parliament's justification was based on quality control rather than unemployment. It read as follows:

Forasmuch as true drapery of woollen cloths is to be commended as well in foreign realms as in this realm of England, and all ways and means used to the contrary are to be eschewed and taken away; and forasmuch as in many parts of this realm is newly and lately devised, erected, builded and used certain mills called gig-mills

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<sup>13</sup>Statutes at Large, Vol. 3, pp. 74-76.

for the perching and burling of cloth, by reason thereof the true drapery of this realm is wonderfully impaired, and the cloth thereof deceitfully made by reason of the using of the said gig-mill.<sup>14</sup>

In order to control the problem, the use of gig-mills was banned in England. This, perhaps, was the first law in the world protecting a worker's job from loss to a mechanical device.

### Employment Created by Governmental Action

#### Removal of Dispensations and Monopolies from the Crown

A 1623 law dealt with the Crown's use of dispensations and granting of monopolies which Tudor sovereigns used extensively, particularly Queen Elizabeth. James I used these rights to some extent, but it soon became evident the Commons was anxious to remove these prerogatives. In the past court favorites had received preferential treatment when rights were granted by the Crown. The act voided all licenses and letters-patent for the sole buying, selling, making, or using anything within the realm.<sup>15</sup> The law, by removing the stifling restraints of monopolistic control, encouraged capital expenditures for competitive enterprises and created new opportunities for employment.

#### Reduction of Interest Rates

A limit had been set on interest rates in 1545 of 10 per cent

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<sup>14</sup>Statutes at Large, Vol. 2, p. 441.

<sup>15</sup>Statutes at Large, Vol. 3, p. 90.

which, though high, reflected the cost of capital in a period of tight supply. By 1623 "An Act against Usury" was passed by the legislature which reduced the interest to 8 per cent, and indicated an easing of the previously tight capital situation.

The law's introduction reflects the economic conditions and the use of borrowed money in seventeenth-century England. It read as follows:

Whereas at this time there is a very great abatement in the value of land and other the merchandizes, wares, and commodities of this kingdom, both at home, and also in foreign parts whither they are transported; and whereas divers subjects of this kingdom, as well the gentry as merchants, farmers, and tradesmen, both for their urgent and necessary occasions for the following of their trades, maintenance of their stocks and employments, have borrowed, and do borrow divers sums of money, wares, merchandizes, and other commodities; but by reason of the said general fall and abatement of the value of land, and the prices of the said merchandize, wares and commodities, and interest in loan continuing at so high a rate as ten pounds in the hundred pounds for a year doth not only make men unable to pay their debts, and continue the maintenance of trade, but their debts daily increasing, they are enforced to sell their lands and stocks at very low rates, to forsake the use of merchandize and trade, and to give over their leases and farms, and so become unprofitable members of the commonwealth, to the great hurt and hinderance of the same.<sup>16</sup>

The 8 per cent rate held until 1651, when it dropped to 6 per cent, indicating a surplus of capital resources. When the king returned to the English throne, one of the first acts in 1660 was to legally authorize a 6 per cent rate. This reduction and the previous one must have influenced the investment in land and facilities to provide more em-

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<sup>16</sup> Statutes at Large, Vol. 3, p. 100.

ployment and income all over England. In fact, the law stated that "the abatement of interest from ten in the hundred in the former times, hath been found beneficial to trade, and to the improvement of lands by good husbandry, with many other advantages, especially the reducing of it to a nearer proportion with foreign states with whom we traffic . . . ."<sup>17</sup>

### Encouragement for Heavy Industry

Legislation to increase employment had largely involved light manufacturing services, or finance, up until 1670. That year inducement was given to a heavy industry--shipbuilding. The act had no title but read as follows:

And for the better encouragement of building good and defensible ships, be it enacted, that all and every person or persons that shall within the space of seven years from and after the first of May next ensuing, build or cause to be built, within any of his Majesty's Dominions, any ship or vessel of three decks with a forecastle, and five foot between each deck, mounted with thirty pieces of ordnance at least, and other ammunition proportionable, shall for the first two voyages which the said ship or ships make from this Majesty's Dominions to any foreign port, have and receive to his and their own use and benefit, one tenth part: and all persons that shall build any ships of two decks, above three hundred tons, and thirty pieces shall have one twentieth part of the customs that shall be paid to his Majesty for all such goods or merchandizes as shall be exported or imported on the said ship or ships, to and from this Kingdom.<sup>18</sup>

This act had an effect on many other English industries besides shipbuilding. The seven-year period specified allowed for ship design-

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<sup>17</sup>

Statutes at Large, Vol. 3, p. 164.

<sup>18</sup>Statutes at Large, Vol. 3, p. 337.

ing, ordering materials, assembling workers, and locating suppliers of long lead-time items such as sails and ordinance. A great ripple effect reached many lesser industries throughout the kingdom to stimulate employment.

Crew hiring for the completed ships added more jobs. With additional merchant ships, more stevedores and other transportation workers were required to handle movement of goods.

#### Navigation Act

Part of a law entitled: "An Act For the Encouragement of Trade" referred to English colonial trade. It read thusly:

An in regard his Majesty's plantations beyond the seas are inhabited and peopled by his subjects of this his Kingdom of England; for the maintaining a greater correspondence and kindness between them, and keeping them in a firmer dependence upon it, and rendering them yet more beneficial and advantageous unto it in the further imployment and increase of English shipping and seaman, vent of English woolen and other manufacturers and commodities, rendering the navigation to and from the same more safe and cheap, and making this kingdom a staple, not only of the commodities of those plantations, but also of the commodities of other countries and places, for the supplying of them; and it being the usage of other nations to keep their plantations trade to themselves.<sup>19</sup>

England took control of all trade with her colonies with this section of the law. Any goods, English or foreign, were to be shipped to the colonies in English ships, and colonial goods were to be shipped first to England in English ships only. Three-fourths of the crews on ships used in this trade were to be English sailors.

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<sup>19</sup>Statutes at Large, Vol. 3, p. 247.

The use of English ships exclusively created additional jobs for sailors. The transshipment of foreign goods through English ports in both directions created jobs for those involved in handling cargo. Domestic industry supplying the colonies was protected by this shipping control.

All of these actions after 1600 required no governmental outlay for implementation. But the legislation influenced the employment of labor and stimulated the economy.



## CHAPTER IV

## UNEMPLOYMENT AND THE REFORMATION

The Roman Church in England early in the sixteenth century was an organization that reached into all towns and villages to provide a religious ministry. Financial resources for this ministry came primarily from the extensive agricultural holdings of the Church which were under the good management of the monastic orders. J. A. Blanqui, a French writer, wrote, "There (England) the clergy possessed seven-tenths of the landed property, and the thousand and forty-one religious establishments in the kingdom, in the time of Henry VIII, enjoyed a revenue of about six millions of francs in our money . . . ."<sup>1</sup> The commodity that produced the largest percentage of this income was high quality wool, for much of the land was ideally suited for sheep raising. Because of the fineness of the wool, buyers were attracted from all over Europe, particularly from Italy.<sup>2</sup> Cultivation on such a scale required much wage labor, especially at harvest time. In addition, lay people were hired to maintain the churches, abbeys, and monasteries, making the Church the largest single employer in Eng-

<sup>1</sup>A. Blanqui, History of Political Economy in Europe, Augustus M. Kelley, Publishers, New York, 1968, p. 221.

<sup>2</sup>Summerfield Baldwin, Business in the Middle Ages, Henry Holt and Co., New York, 1937, p. 45.

land.<sup>3</sup>

The first action at the beginning of the Reformation in England was the take-over of all land and properties owned by the Roman Church. The Crown took possession of the assets and distributed some land as payment for obligations to lords throughout the country. Other lands were offered for sale to replenish the royal treasury. As the land boom was just beginning, large tracts were bought and subdivided to take advantage of the strong demand for good farm land.<sup>4</sup>

Immediate unemployment came to most of those who worked for the Church and included the lay persons, the priests, friars, and brothers who staffed the many different parts of the organization. The number involved was estimated to be 50,000.<sup>5</sup> Many of these who formerly dispensed alms to the community's poor were turned on the community as charity cases needing prompt attention. Other poor who previously came to the church doors for money or material goods turned to begging. No other sources of subsistence were available.<sup>6</sup>

Parliament recognized the plight of these who had suddenly be-

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<sup>3</sup>M. W. Thomas, A Survey of English Economy History, Blackie & Son, Ltd., London, 1957, p. 143.

<sup>4</sup>Mildred Campbell, The English Yeoman, Augustus M. Kelley, Publishers, New York, 1968, pp. 70-71.

<sup>5</sup>John Wade, History of the Middle and Working Classes, Augustus M. Kelley, Publishers, New York, 1968, p. 43.

<sup>6</sup>W. Cunningham, The Growth of English Industry and Commerce in Modern Times, Part I, Cambridge at the University Press, Cambridge, 1925, p. 45.

come wards of the community. Specific laws were enacted to provide aid through the newly established Church of England. At about the time the small abbeys, priories, and monasteries were taken over in 1536, the law ordered churchwardens and two others of every parish:

. . . shall take such discreet and convenient order, by gathering and procuring voluntary alms of the good Christian people within the same, with boxes, every Sunday and holiday, or otherwise among themselves, in such good and discreet wise as the poor, impotent, sick, and diseased people, being not able to work, may be provided, holpen, and relieved; and that such as be lusty, having their limbs strong enough to labour, may be daily kept in continual labour, whereby every one of them may get their own living with their own hands.<sup>7</sup>

The Church of England received voluntary contributions and became the medium for informing the community of the needs of the poor. The message from the parson, vicar, or curate delivered this information. Anonymous contributions were not solicited, and a record book was to be kept listing the contributor and the amount. One other part of the act was to control begging. It was specific that "no person shall make any common or open dole," and if caught doing so, a fine of ten times the value of what was given was to be assessed.<sup>8</sup> The church still remained as providers of the poor but now functioned without the incomes from extensive land holdings and other properties or the organized collections of the Roman Church.

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<sup>7</sup>Statutes at Large, Vol. 2, p. 229.

<sup>8</sup>Samuel Mencher, Poor Law to Poverty Program, University of Pittsburgh Press, Pittsburgh, 1967, p. 25.

During the reign of Edward VI, selected members of the congregation became the collectors of charitable alms. With the assignment to follow up the minister's Sunday request for poor relief funds, direct contacts were made with individuals for contributions. Stronger wording went into this law for the "collectors shall gently ask and demand of every man and woman" a weekly payment for poor relief, and the collectors were to distribute these amounts where needed. If anyone was able to contribute but did not, he was referred to the parson and churchwardens. If they failed to get payment, then the bishop was to try his persuasion.<sup>9</sup> The added emphasis on a better organized approach to collections shows that voluntary methods had not proven too successful.

Compulsory assessment for the poor became law in 1563, when another step was added if the bishop failed to get a voluntary contribution. The bishop was to turn the reluctant giver over to the justices for them to try their persuasive powers. If this failed, the justices were empowered to "sesse, tax, and limit upon such obstinant person so refusing, according to their good discretion, what sum the said obstinate person shall pay."<sup>10</sup> Then if he still refused, he could be sent to prison until he paid. This part of the new act was important, for it was the earliest use of property as a determinant for an assessment

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<sup>9</sup> Nicholls, pp. 133-134.

<sup>10</sup> Statutes at Large, Vol. 2, p. 527.

to relieve the poor. Also, this was the first time the government had become involved in the collection of poor relief funds.<sup>11</sup> Once more the law was stiffened by the penalties placed in it.

By 1572 it was legislated that justices assume responsibility for the poor and idle by first registering them and then settling them in "neat and convenient places" in the parish (if they did not already have a place to live). A determination was to be made of the weekly requirement to relieve the destitution so that taxation and assessment could be imposed on the prosperous residents of the parish.<sup>12</sup> The program was administered by persons appointed as overseers of the poor, with functions similar to the collectors of charitable alms in the earlier church-oriented legislation. Administration was under direct supervision of the justices rather than the church.<sup>13</sup> This concept of the government's assuming responsibility for a portion of those in the labor market was not relinquished. The basis for funding The Poor Law of 1601 came from this act.

#### Reformation Attitudes toward the Unemployed

Prior to the Reformation, begging as a means of support was considered as honorable as the practice of a trade, such as weaving or

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<sup>11</sup> Nicholls, p. 152.

<sup>12</sup> Statutes at Large, Vol. 2, p. 595.

<sup>13</sup> Christopher Hill, Reformation to Industrial Revolution, Pantheon Books, New York, 1967, p. 42.

husbandry. Because alms-begging partially supported the Roman Church, begging received a certain degree of respectability, and alms-seekers in the community were not degraded by this activity.<sup>14</sup>

This respectability vanished with the arrival of the Reformation in England in the 1530's. The public estimation of a person's worth depended on material accumulation which was equated with God's favor. A person who was able-bodied but unemployed was considered a sinner.<sup>15</sup>

The sinner philosophy was reflected in the many laws enacted during the two centuries following the Reformation dealing with the rogue, "sturdy vagabond," or "valiant beggar." The cruel and inhuman treatment specified in these laws, especially in the sixteenth century, illustrated how strongly the legislators believed this philosophy. Some enlightenment later in this period was reflected in legislation aimed at helping the individual learn some skill to support himself. A job removed the "sin" in the eyes of a community primarily composed of "saved" affluent people.

Incidental to the accumulation of material goods was the habit of thrift, which was to play a very important part in the development of industry and trade in England and around the world. The capital

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<sup>14</sup> Nicholls, p. 120.

<sup>15</sup> Clarence J. Karier, Man, Society, and Education, Scott-Foresman and Company, Glenview, Ill., 1967, p. 12.

base provided by the Protestant thriftiness made possible the investment in land, raw materials, machinery, and later buildings that had a great influence on the total economy and opened up many job opportunities.<sup>16</sup> The Reformation changed attitudes toward unemployment and created jobs for many who had a sincere desire to work.

The Reformation influenced action on legislation to increase the material wealth of the nation and individuals. Such laws as the Navigation Act, encouragement of shipbuilding, and chartering of trading companies received support in Parliament because of favorable attitudes throughout the country.

The strong stand of the Reformation against idleness brought about laws for the control of tippling and drunkenness. A law stated that inns and alehouses were for "the relief and lodging of wayfaring people, and for supplying the wants of persons who are not able to provide victuals for themselves; and not for entertainment of lewd and idle people, to spend their money and time in lewd and drunken manner." A fine of ten shillings was imposed on any offenders.<sup>17</sup> Evidently this did not stop the problem, for in 1606 another law was passed "for repressing the odious sin of drunkenness and a fine of five shillings for anyone convicted of it."<sup>18</sup> A law 17 years later, also during the

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<sup>16</sup> J. Walker, British Economic and Social History 1700-1967, MacDonald & Evans, Ltd., London, 1968, p. 7.

<sup>17</sup> Statutes at Large, Vol. 3, pp. 7-8.

<sup>18</sup> Statutes at Large, Vol. 3, pp. 68-69.

reign of James I, spelled out the methods of conviction for drunkenness, indicating that such behavior was a continuous problem.<sup>19</sup> The need for such legislation indicated that individuals had idle time and some discretionary income to spend in the inns and alehouses of the local community. The middle-class was evolving.

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<sup>19</sup>Statutes at Large, Vol. 3, pp. 94-95.



## CHAPTER V

## SOCIAL ASPECTS OF UNEMPLOYMENT

After such a dramatic and complete downfall of the manorial system with its class distinctions and immobile work force, the mercantilistic system had many unsettling effects on England's social structure. One was the blurring of class distinctions due to land ownership changes and wage payments to the worker.<sup>1</sup> Another was the banding together in groups of unemployed to protest action they considered detrimental.<sup>2</sup> Such protests took the form of riots or rebellions against adverse physical facilities or political conditions.

Another phenomenon was the increase in number and variety of crimes. Criminal activity was almost unknown in the Middle Ages because of the lack of material goods, the relatively small amount of money in circulation, and the stationary location of the workers and productive units.<sup>3</sup> The uneasiness of a segment of the population, especially the more affluent, resulted in legislation aimed at stabilizing the social environment to eliminate property loss by or physical harm

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<sup>1</sup>Paul Hohenberg, A Primer on the Economic History of Europe, Random House, New York, 1968, p. 80.

<sup>2</sup>Mencher, p. 17.

<sup>3</sup>Clapham, p. 214.

to the rich.

### Threats to Society by Mass Action

Strong feeling developed among the rural population over the land purchased by people having no interest in the welfare or security of their employees.<sup>4</sup> Strong feelings were created among the ex-villeins which caused some rioting because of the loss of earlier privileges. Minor revolts occurred in 1596, 1607, 1628-31, and throughout the 1630's. Two uprisings of more major proportions came in 1536, called the Pilgrimage of Grace, and in 1549, known as the Norfolk Revolt--protests primarily against the new attitudes towards agricultural labor. The Norfolk Revolt was a sizeable effort and involved a large part of the rural population.<sup>5</sup>

A more active movement developed in the seventeenth century known as the Levellers. As a protest against the enclosures of the land for private use, these groups moved over sections of the countryside leveling fences and hedges. No violence was involved with these activities, and the government easily suppressed the movement by executing some of the leaders for their part.<sup>6</sup>

In the seventeenth century, the "Diggers," under the leadership

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<sup>4</sup>H. G. Koenigsberger and George L. Morse, Europe in the Sixteenth Century, Longman, Green, and Company, Ltd., 1968, p. 3.

<sup>5</sup>Mencher, p. 17.

<sup>6</sup>Nicholls, pp. 226-227.

of Winstanley, took possession of some idle land in London to protest the idea of private property. Winstanley, an early communistic thinker, believed private landowners possessed an excessive share of wealth at the expense of wage earners. This protest occurred during the Cromwell era and was suppressed by government troops.<sup>7</sup> An organized effort against the exploitation of the laboring class failed to materialize.

Some disturbances focused attention on local conditions requiring local action. News of these disturbances provided a stimulus in other locations to correct similar problems. Fear of social disorder was especially strong among the upper classes creating pressure for governmental action.<sup>8</sup>

Certain national legislation was motivated by fear of nationwide mass action. The Corn Laws were passed to maintain a reasonable price for grains--one of the basic food commodities. Some food prices were fixed during periods of scarcity. James I issued a proclamation for the storage of grains in "public magazines" when the prices dropped below the level of profitable export.<sup>9</sup> The purchase and storage of grains, controlled by local commissioners, prevented starvation in urban areas during crop failures or shortages.<sup>10</sup> This system

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<sup>7</sup>Mencher, p. 18.

<sup>8</sup>Hill, p. 74.

<sup>9</sup>Cunningham, pp. 98-99.

<sup>10</sup>Nicholls, p. 240.

was one means of avoiding food riots in England.

### Unemployment and the Increase in Crime

Unemployment itself was considered to be a "crime" in the sixteenth century requiring control.<sup>11</sup> Inevitably the enclosure of land and the shift to wage labor released many men from agricultural work. Immediately they became, in the eyes of the community, "rogues" or "vagabonds" or "masterless men" and a threat to local stability. Though mobile, the unemployed were unable to find better employment opportunities in another location. The new community was suspicious of a stranger or possessed a "horror of a tramp."<sup>12</sup> Laws to control mobile labor granted rights to communities to remove any able-bodied unemployed to his birthplace. Although unemployment problems were shifted back to the unemployed worker's original location, no job was to be provided.<sup>13</sup>

In addition to the innocent "criminal" who was, in reality, a victim of a new agricultural system, were those responsible for actual criminal acts. A person with a desire to live by his wits instead of by hard work had a chance. Whether employed or not, the opportunity for living by underhanded methods of thievery, by murder, or by taking un-

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<sup>11</sup> Clapham, p. 214.

<sup>12</sup> Milton Briggs and Perry Jordan, Economic History of England, University Tutorial Press, Ltd., London, 1967, p. 124.

<sup>13</sup> Mencher, p. 18.

fair advantage of others became possible.

As the population grew and the general wealth of the country increased, the incentive for unlawful living became greater.<sup>14</sup> A 1569 order issued in London to apprehend "all beggars and idle people, whether men, women, or children, or other masterless vagrants" indicated that many were living by pilfering and begging. The spread of this problem to the countryside was evidenced by a proclamation from the Queen in 1593 "against idle persons and vagabonds wandering in the common highways, and the multitude of able men . . . exacting money upon pretense of service in the wars . . . ."<sup>15</sup> The unemployed who were willing to work and who were actively seeking a job were not differentiated from the unemployed vagabonds.

In 1603 James I issued a proclamation which stated "that rogues grow again and increase to be incorrigible and dangerous . . . being a menace to the general population and the king and court . . . ." The order called on the justices to be more diligent in using the laws to control this group. Offered was another method of punishment--banishment to Newfoundland, the East or West Indies, or countries in Europe.<sup>16</sup> A commission made up of the Privy Council of Charles I received the assignment in 1630 "for putting in execution the laws for

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<sup>14</sup> Nicholls, pp. 67-68.

<sup>15</sup> Nicholls, pp. 177-178.

<sup>16</sup> Nicholls, p. 212.

the relief of the poor."<sup>17</sup> Specifically mentioned for attention were those "filching and stealing" for a living who should be set to work.<sup>17</sup> The gravity of the situation can be seen when the monarch had to use his power and personal appeal to get some action taken.

The Parliaments of these two centuries showed their concerns for the unemployed as a threat to society. Almost every law enacted to provide help for the poor contained a reference to the able-bodied unemployed, referred to as rogues, vagabonds, or beggars. Punishment for them was usually included in the law and was, in most cases, quite severe and brutal.<sup>18</sup> Throughout England the landed or merchant classes strongly desired to maintain the status quo demanding every able-bodied person find employment; however, they were unwilling to assume responsibility for this employment if it interfered with profitable land ownership.<sup>19</sup> The burden then fell on the government to provide a method of controlling those without work while, at the same time, maintaining stable economic conditions in the nation. The assignment was not an easy one.

#### Loss of Human Resources

The apprenticing by local justices of children of poor parents to masters located away from the parents' home community lent itself

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<sup>17</sup>Nicholls, p. 252.

<sup>18</sup>Hill, p. 212.

<sup>19</sup>Mencher, p. 17.

to abuse.<sup>20</sup> Some of the trades offered by the masters provided no valuable skill. Such occupations as chimney sweeping, carting, domestic service, and some parts of husbandry required little effort to learn and offered no great opportunity for future security.<sup>21</sup> At the same time poor living conditions could be injurious to health which might create a future liability for the community.<sup>22</sup>

Many others, able to work, met with opposition in a new community where work was available. If returned by law to their original community, perhaps no work was available. Once typed as a vagabond or rogue, a person had difficulty locating a permanent job before the local authorities arrested him for vagrancy. Often the time spent in workhouses became jail sentences instead of learning experiences in preparation for a new trade.<sup>23</sup> This waste in labor came about because of its abundance and cheapness. A lack of concern for the individual came with the mercantilistic period.

#### Social Aspects of the Settlement Acts

Social stability had a high priority during the sixteenth and seventeenth centuries. To work efficiently, the mercantile system required a large source of cheap labor. If production costs were kept

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<sup>20</sup> Mencher, p. 212.

<sup>21</sup> Clapham, pp. 304-305.

<sup>22</sup> Hill, p. 43.

<sup>23</sup> Koenigsberger and Morse, p. 30.

low, the competitiveness of the finished goods or products was assured in the export market.<sup>24</sup> Thus, many of the laws during the period had provisions for keeping local labor from relocating and providing for the return of labor that had gone to a new community.<sup>25</sup> The importance of this resulted in five laws to deal with the settlement issue, the first of which was passed in 1662.

The law became known as "The Settlement Act" although the official title was: "An Act for the Better Relief of the Poor of this kingdom." The act began by stating:

. . . the necessity, number, and continual increase of the poor, not only within the cities of London and Westminster, but also through the whole kingdom, is very great and exceeding burthensome, being occasioned by reason of some defects in the law concerning the settling of the poor; and for want of a due provision of the regulations of relief and employment in such parishes or places where they are legally settled, which doth enforce many to turn incorrigible rogues, and others to perish for want; together with the neglect of the faithful execution of such laws and statutes as they have formerly been made, for the apprehending of rogues and vagabonds, and for the good of the poor.<sup>26</sup>

The growth of London and other cities had been spectacular from the beginning of the reign of Elizabeth to 1662. Early in this period, London was estimated to have 100,000 inhabitants; at the end, it had increased to half a million persons.<sup>27</sup> Such a dramatic change brought problems of employment for the younger age group coming to

<sup>24</sup>Koenigsberger and Morse, pp. 13-14.

<sup>25</sup>Koenigsberger and Morse, p. 17.

<sup>26</sup>Statutes at Large, Vol. 3, p. 223.

<sup>27</sup>Koenigsberger and Morse, p. 29.



seek opportunity, and of criminal activity. Criminals found the city a lucrative haven with adequate hiding places. Besides these, the rapid growth had created sanitation problems which permitted the spread of diseases in epidemic proportions, jeopardizing the entire urban population.<sup>28</sup> Urban members of Parliament had these incentives to pass legislation dealing with the overcrowded metropolitan areas. From this need, The Settlement Act was born with its specific reference to London and Westminster.

But problems were noted in the rural parishes, also, as the following paragraph illustrated:

. . . by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy; and when they have consumed it, then to another parish, and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks, where it is liable to be devoured by strangers.<sup>29</sup>

The stock referred to above were the raw materials that the parish was to provide for issue to the able-bodied poor to work and return as finished goods, as provided in previous legislation. If these stocks were used up by strangers or the commons consumed by them, the native poor were left with no means of community help. By adding this part to the act, urban legislators gained support from the rural

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<sup>28</sup>Koenigsberger and Morse, p. 52.

<sup>29</sup>Statutes at Large, Vol. 3, p. 223.

Parliament members who easily identified the above conditions in their local area.

Action to remove unemployed strangers in the first forty days of residence was to be initiated with a "complaint made by the churchwardens or overseers of the poor of any, to any justice of the peace . . . ."

If the person were living in a tenement renting annually for less than ten pounds, a warrant was issued for his removal to his last legal residence.<sup>30</sup> Once again the tone of the law was more urban than rural; a simple country cottage rented for less than twenty shillings a year and a dwelling for tradesmen and artisans cost only two or three times this amount.<sup>31</sup> In addition, the use of the word "tenement" indicates a city location where rents might be twice as high as they were in other communities. The ten-pound figure was completely beyond the means of any poor person moving to a city.

The rural members of Parliament did not recognize the consequences of this act; if they had, they would have tried to defeat it. The Settlement Act deterred individual initiative for self-improvement and locked a segment of the population into low living conditions. By limiting mobility of the poor and the able-bodied unemployed, rural areas were burdened with lifetime relief cases.

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<sup>30</sup>Nicholls, p. 280.

<sup>31</sup>Nicholls, p. 282.

The first change in The Settlement Act came in 1685 during the reign of James II. Abuses developed in the 23-year life of the original act. Those with creativity and initiative devised ways to relocate and remain in hiding within the new parish for forty days. To prevent this, the new law required that a written notice be given to the churchwardens or overseers of the poor stating the place of residence and the number in the family, before the forty-day period began.<sup>32</sup> This effectively closed a loophole.

Two other changes affecting settlement were made in 1691. The first required that the notice to the churchwardens or overseers be read after church on the Sunday following its receipt and then be recorded in the book for the accounts of the poor. Evidently this was made a part of the law because of some illegal dealing by the wardens or overseers with new settlers. The second part offered four methods by which settlement could be gained in another parish: by serving in a public office in the parish for one year; by paying the normal share of the public taxes or levies of the parish; if unmarried, by being legally hired within the parish for one year; or by being apprenticed to some trade in the parish.<sup>33</sup> All of these were beyond the realm of possibility for any poor persons desiring to relocate outside of their native parishes.

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<sup>32</sup> Statutes at Large, Vol. 3, p. 388.

<sup>33</sup> Nicholls, p. 324.

Legislation passed in 1691 entitled: "an Act for supplying some Defects in the Laws for the Relief of the Poor," recognized this injustice in its preamble:

Forasmuch as many poor persons, chargeable to the parish or place where they live, merely for want of work, would, in any other place where sufficient employment is to be had, maintain themselves and families without being burthensome to any parish; but not being able to give such security as will or may be required upon their coming to settle themselves in any other place, and the certificates that have been usually given in such cases having been oftentimes construed into a notice in handwriting, they are for the most part confined to live in their own parishes or places, and not permitted to inhabit elsewhere, though their labour is wanted in many other places where the increase of manufacturers will employ more hands.<sup>34</sup>

Mobility for a laboring person was legalized by means of a certificate, signed by the churchwardens and overseers of the native parish, which was delivered to the parish office of the new parish. The certificate acknowledged the financial responsibility of the original parish should its bearer apply for poor relief.<sup>35</sup> Though cumbersome in its administration, the legislation provided movement from areas experiencing labor surplus to areas of labor shortages.

The other settlement acts clarified previous laws. One in 1697 stated that the presentation of the certificate in the new parish did not constitute a method of procuring legal settlement, unless a tenement was rented for at least ten pounds a year or an annual parish office was

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<sup>34</sup>Statutes at Large, Vol. 3, p. 654.

<sup>35</sup>Statutes at Large, Vol. 3, p. 668.

taken.<sup>36</sup> Another stated that the certificates were to be presented to the justices in the new parish to determine their legality and to avoid later litigation about a forged certificate.

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<sup>36</sup>Statutes at Large, Vol. 3, p. 668.

## CHAPTER VI

### SUMMARY AND CONCLUSIONS

Several factors must be considered when laws dealing with unemployment are evaluated, such as control of the problem, relief of personal hardships, and provisions for job placement. Most laws during this two-century period could not measure up on one or more factors.

#### Laws Prior to 1600

##### Land Use Laws

The anti-enclosure laws of Henry VII and Henry VIII gave the first indication of unemployment. Labor mobility, not favored by Parliament members, precipitated the legislation. The only approach to the problem was to force land back to its previous usage. The manorial interests wanted to keep rural land and labor static.

These laws against enclosures were worthless. The commercial farming interests ignored them. The lord of the fee or justices of the peace, often involved financially in land transactions, neglected to enforce the laws. These laws, therefore, did not in any way relieve the problem of unemployed villeins. The economics of commercial agriculture was much stronger than the economics of villein unemploy-

ment.

The land use laws provided no satisfactory control of the unemployment problem. Laws limiting the number of sheep or requiring the use of four acres of land for each cottage built, offered relief to few without work. All laws enacted to reverse the agricultural change showed no positive results. But Parliament, striving to keep the manorial system alive, continued passing laws to keep rural labor abundant.

#### Laws against the Mobile Unemployed

The vagabond, rogue, and beggar received much legal attention. As threats to social stability, these wanderers were punished for not being employed and returned to their birthplace. Parliament's reaction to a mobile labor force was one of fear. Fear motivated the use of punishment as a means of control. The justices of the peace were responsible for enforcing the laws.

Obviously, these laws did not control the problem. The repetitious enactment of these laws every few years illustrated the ineffectiveness of the legislation. With no provisions for relief of personal hardship or job placement, the unemployment conditions were not helped by punishment laws. As long as the mobile unemployed were treated as criminals, positive relief was not possible.

#### Urban Unemployment Laws

In the second half of the sixteenth century, urban unemployed became a problem for Parliament. With more city and town members

in Parliament, laws turned away from agriculture for the first time. The building of houses of correction and their use were authorized; stocks of raw materials were to be provided for use by the skilled unemployed of the community. The skills required to produce finished goods in either situation were those found in cities or towns.

In communities where the laws were implemented, unemployment was controlled. The compensation paid for work performed relieved some hardship associated with unemployment. No provision was made for job placement. Placement was possible only if the economy was booming.

#### The Statute of Artificers

This law was composite legislation dealing with both urban and rural unemployment. The guilds were alarmed by the rising supply of unskilled urban labor. This situation tempted masters to expand their manufacturing or trading operations with low cost labor. To stabilize the condition, the guilds pushed for, and got, national apprenticeship regulations. An apprenticeship period, 7 years, was set for all crafts and trades in existence at the time. Anyone working in these trades or crafts had to be either an apprentice, a journeyman, or a master. Journeymen were protected from excessive use of apprentices by the requirement of one journeyman for every three apprentices.

The law prohibited the changing from one trade to another. No one was permitted to work at a trade other than the one originally



learned. This action further reduced labor mobility.

Those working in agriculture were confined to that occupation. The urban unemployed were to take jobs in agriculture if not trained in a trade and employed in it. This section of the law assured the rural Parliament members, and their districts, an adequate supply of labor.

The Statute of Artificers was one way to control the unemployment problem. The solution was to immobilize the work force. Children could learn only the trade of their parents. Once learned, the trade had to be followed even though its obsolescence was recognized. Poverty was perpetuated by keeping workers in dying trades.

To eliminate short-term employment and its attendant hardships, one section of the law specified the minimum length for a labor contract. One year was the set minimum. A longer period could be set if both parties agreed to it. But the same law brought hardships to those workers wanting to change employers. An elaborate procedure was used to get a worker released from his present employer. Limiting the mobility of the work force was the aim of this section.

Job placement became easier with this law. The justice of the peace replaced the guild masters as the indenturer of apprentices. By having this function assigned to a political office holder, more opportunities were made available. Some unwelcomed job placement was administered by the justices. The urban unemployed were to be sent to rural areas for work in agriculture. Once again, a law's enforcement,

or non-enforcement, rested with the local justice of the peace.

### The Poor Law

Though enacted in 1601, The Poor Law was more similar to the previous century's legislation. The apprenticeship section was patterned after the Statute of Artificers. The providing of stocks of materials came from an earlier act. Taxation for support of the poor and the unemployed was used in the sixteenth century, but not as extensively as spelled out in The Poor Law.

The tone of the law was positive. Omitted from the law were references to vagabonds or beggars. Agricultural employment stabilized. The law dealt primarily with the urban unemployment conditions. A shift from an agricultural economy to a mercantilistic economy required one century, the sixteenth, to be accomplished. The Poor Law introduced a new era.

The Statute of Artificers restricted apprenticeship to trades and crafts named in the law. The Poor Law administrators had access to any occupation for indenturing children of poor parents. The emphasis was on job placement, not on teaching a complicated skill.

The parish became the "entrepreneur" for the unemployed skilled workers. The stock of raw materials purchased with local tax money provided work and a small income to those able to make finished goods from them. Finished goods were marketed by the parish Overseer of the Poor.

Relief for the destitute poor came from tax money used as transfer payments. Low income families qualified for these welfare payments. This factor had a tendency to keep wages low as employers let transfer payments make up the difference for a subsistence income.

The Poor Law offered several means of controlling urban unemployment. Apprenticeships removed a group from the labor market for an extended period. Hopefully, at the end of apprenticeship, permanent work would be available. Temporary employment was provided those with skills by a modified domestic system of employment.

Relief of personal hardship came to poor parents with the indenturing of their children. The responsibility for the child's welfare shifted to the master. Small payments received when goods were sold helped relieve personal hardships of unemployed skilled workers. The transfer payments helped those "on relief."

Job placement was possible at the end of apprenticeship. Economic factors controlled the job opportunities. The maintenance of skill, while working for the parish, kept the skilled worker ready to accept employment privately.

### Conclusions

Groups of laws enacted during this period were totally ineffective for the control of unemployment. Politically oriented anti-enclosure laws were inadequate to overcome an economic trend. Producers making a profit from enclosed farm land ignored the laws. Profits were

high enough to pay fines, if the laws were enforced. The producers felt no moral responsibility for the social upheaval created by enclosures. These early advocates of free enterprise challenged the new central government and won.

The punishment laws for vagabonds, beggars, and rogues attempted to deal with an economic problem as a social problem. The cruel treatment of all mobile unemployed brought no positive results. The stigma attached to unemployment by the Protestant Ethic created the criminal connotation attached to those without jobs. Crime did increase during the sixteenth century, as some of the unemployed had no other economic choice for survival. Others, seriously looking for work, were hampered by the punishment administered and by being returned to their birthplace. The punishment laws served no useful purpose in controlling unemployment.

The "make-work" laws included the establishment of houses of correction and the stocking of raw materials. These laws offered work for those with skills by having the raw materials available. Those without skills were taught a trade or craft at a house of correction. The house was open to those with skills who desired to work these. Each situation produced finished goods for the local parish or county and not for a private customer. Work was done regardless of the economic conditions. The "make-work" laws kept those locally unemployed in the community.

The apprenticeship laws were the Statute of Artificers and The Poor Law. Apprenticeships served two purposes: one, the segment of the indentured work force was removed from the labor market for an extended period; and two, the trade or skill learned from a master offered future employment opportunities. The apprenticing section of The Poor Law sought to teach the habit of work to children of unemployed parents.

The "make-work" and apprenticeship laws contained an economic basis for the action taken. Worthwhile goods or services having monetary value were produced.

#### Laws from 1600 to 1700

The seventeenth century brought increased emphasis on politico-economic legislation. The mercantilistic economy changed much more rapidly than the conservative agricultural economy. Parliament became involved with legislation designed to help a variety of industries.

As its membership became more urban than rural, members of Parliament representing various trades or manufacturing operations began to dominate the lawmaking body. Representatives from agricultural districts gradually lost their influence. Laws reflected this national power shift.

Many laws of this period dealt with unemployment in an indi-

rect way. The protection of industries with tariffs and the chartering of a company to develop an export market were acts to improve the national economy. However, these and other similar governmental actions had an indirect bearing on employment. Several laws referred to employment or unemployment. Parliamentary recognition was given to the economic value of employment.

Though placing emphasis on stimulation of trade and industry, the seventeenth-century politico-economic laws created jobs. This side effect kept the unemployed population at a controllable level. The growing commercial base plus progressive legislation precluded the need for laws dealing with unemployment exclusively. The economic problem, unemployment, was helped more by the indirect, economic laws of the seventeenth century than by the direct, social legislation of the sixteenth century.

#### The Settlement Act

One piece of social legislation came in 1662, just over sixty years after The Poor Law was passed. The act's acceptance by the urban middle and upper classes came quickly. The affluent, taxed for the poor's support, were anxious to restrict additions to the parish poor rolls.

The act's effectiveness was immediate, as each taxpayer was alert to strangers in the community. When reported to the local justice, the stranger could be removed to his legal residence if he had

spent less than forty days in the community. Under these conditions labor mobility was stopped.

Surplus rural labor remained in its home parish causing poor rate increases locally. Urban parishes slowed the upward trend of poor relief that began with The Poor Law's enactment. The combination realigned the English labor market.

### Conclusion

With excess labor in rural parishes, manufacturing and crafts began locating out of urban areas, further diminishing the power of guilds. Locations selected often were near raw material sources which probably reduced transportation and storage costs.

The Settlement Act was the direct result of The Poor Law. The tax feature in The Poor Law required the accounting of tax funds collected and expended. The general knowledge of the amounts used for poor relief made taxpayers more conscious of the problem. The Settlement Act was a legal effort to relieve part of the mounting tax burden on the cities caused by the migrant unemployed relocating in urban areas.

### Conclusions

England's evolution from feudal agriculture to mercantilism in a two-century period disrupted a large portion of her labor force. Laws passed to control or help the unemployed introduced politics to

social and economic fields. Some of these new laws remained stable over an extended period of years with no changes made in them. The Poor Law was a good example of this type of law. Other laws approached problems in ineffective ways and required frequent modification or revision. An example of this type was anti-enclosure legislation.

Sixteenth-century laws reflected social emphasis. Lawmakers concentrated legal efforts on punishment or forced placement of unemployed workers. These two control methods were negative in tone and provided no solution to chronic, large-scale unemployment. Any help with the problem came by frequent re-enactment of these laws. The politico-social legislation usually was unsuccessful in dealing with unemployment.

One benefit came from the sixteenth-century social legislation--a strengthening of the national government. The Statute of Artificers and The Poor Law were major laws dealing with issues affecting all of England. The acceptance and use of these laws at the local parish level gave recognition to Parliament's authority. Once established in this way, Parliament became more confident of its power to deal with national problems in the seventeenth century.

The seventeenth-century politico-economic laws produced broad economic solutions to unemployment problems. Dealing with an industry, or the whole economy, these laws built business trust in governmental actions. With assurance of political support, the environment



for commercial expansion was created. Any economic expansion provided additional employment opportunities. The seventeenth-century unemployment problem was controlled by indirect economic means which replaced the direct social legislation used in the sixteenth century.

Economic legislation from The Poor Law (1601) to The Settlement Act (1662) contained no repetitiousness evident in the social laws enacted in the 1500's. Only The Settlement Act, a piece of social legislation, followed the pattern of previous social laws. Economic laws isolated the problem or situation and passed legislation to deal with the condition. Economic laws, usually successfully implemented, required no later additions or deletions.

Several conclusions come from the comparison of social legislation and economic legislation. First, during this two-century span, economic laws helped more with the unemployment problems than with social laws. Employment possibilities were offered by economic laws; punishment and resettlement laws provided no job opportunities. Second, the success of economic legislation can be attributed to the benefits received from it. A stabilized or expanding economy provides employment for labor, a good return on investment for the capitalist, and growth possibilities for management. With the support of these groups, the law's success was assured.

Social laws are more limited in scope. Usually enacted to con-

trol a group identified as a threat to social stability, these laws satisfy no one. Those protected by the law feel it is not strong enough; those restrained by the law search, and find, ways to avoid the legal consequences. Neither side gives wholehearted support to the legislation. Therefore, the lawmakers must amend or revise the social laws to satisfy groups that cannot be satisfied.

Third, though the unemployment problem was great during this two-century period, no national uprising came from a group of unemployed workers. The central government was not seriously challenged by any economic problem. The legislation, social and economic, must be termed successful for this reason alone.

#### Changes in Attitude from 1700 to the Present

From the early structural unemployment of manorial agricultural workers, each century had unique conditions, problems, and remedies. The 1700's produced the factory system as the foundation of the Industrial Revolution. The rise of child and female labor characterized this period. Male unemployment and underemployment were supplemented by Poor Law relief. Domestic and export markets expanded to absorb labor force increases due to population growth. Attitudes toward unemployment were strongly rooted in the Protestant Ethic philosophy. Mercantilism gave way to laissez-faire attitudes which permitted any activities producing profits to take precedence over social

consequences. Private profits became an important factor in governmental growth.

The apprenticeship laws of the 1500's and 1600's were badly abused. The apprentice programs gradually were replaced by early forms of public education. Though not the same as trade training, education effectively removed a population segment from the labor market. In urban areas classroom education became a means of controlling unrest in England and America during the nineteenth century.

The nineteenth century brought some change in laissez-faire thinking, and social responsibility began to develop. The inequities of the Industrial Revolution created an environment for a social economy. Two schools of thought, one violent and one peaceful, evolved.

Marx represented the revolutionary side of socialism. His statements about the workers' rights to the profits of their labor caused capitalists and government leaders to revise laissez-faire policies and laws. Marx's political influence never created revolutionary conditions in a strong industrial country. But his powerful writings stimulated others to re-evaluate the social implications of industrialization in these countries.

Those advocating social change through peaceful means became known as the Fabian Society. Sidney and Beatrice Webb led the movement to bring about reform by political means. As founders of the London School of Economics, the Webbs approached socialism from an in-

tellectual and logical viewpoint. With this type of leadership, the Fabian movement grew into the British Labour Party. The idea of politics being the basis for change was illustrated in this statement by Sidney Webb:

Where then is the Socialist hope? In the political power of the workers. The industrial evolution has left them landless strangers in their own country; but the political evolution is about to make them its rulers.<sup>1</sup>

George Bernard Shaw and H. G. Wells were the most famous public figures identified as active Fabians. The society's appeal was to all classes; Marx's appeal was to one class only--the worker.

The social pressure for political action came from the frustrations and helplessness felt by industrial workers. Once asserted, the political power was sufficient to arouse a national conscience to labor's unfair treatment by industrialists. Poor Law inequities were adjusted and the Statute of Artificers was repealed during the nineteenth century.

Prior to the 1930's, social evolution had been primarily limited to England. Having preceded America into the Industrial Revolution by at least 150 years, England was more experienced in socio-economic changes. Congress had passed only a few industrial health and child labor laws. The Protestant Ethic and laissez-faire attitudes restrained any efforts for helping unemployed workers prior to 1930.

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<sup>1</sup>Fon W. Broadman, Jr., Economics: Ideas & Men, Henry Z. Walck, Inc., New York, 1966, p. 71.

Previous unemployment situations were temporary. As the domestic or export market expanded, the displaced English villein and his offsprings were assimilated by the growing commercial labor market. The laborer and his family became consumers of goods, further enlarging the domestic market. Adam Smith noted this when he said:

To found a great empire for the sole purpose of raising up a people of customers may at first sight appear a project fit only for a nation of shopkeepers. It is, however, a project altogether unfit for a nation of shopkeepers; but extremely fit for a nation whose government is influenced by shopkeepers. Such statesmen, and such statesmen only, are capable of fancying that they will find some advantage in employing the blood and treasure of their fellow citizens, to found and maintain such an empire.<sup>2</sup>

With growing population and markets, the consumer group also grew.

The 1930's saw the consumer's purchasing power disappear, thus halting production of many goods. Even with goods in demand, consumer purchases were drastically reduced because of the lack of what Keynes emphasized as "effective" demand. Suddenly over-capacity plagued not only industry but agriculture as well. The economy of growth became the economy of contraction.

An unemployment problem engulfed the United States involving a quarter of the labor force. With these conditions touching every community, industry, and farm, it was decided that only the national government had the power to deal with a problem of this magnitude.

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<sup>2</sup>Adam Smith, Wealth of Nations, The Modern Library, New York, 1937, p. 579.

The situation required quick, forceful action.

By mobilizing all political resources, the president undertook relief of the hungry first, then the relief of other unemployed workers. Socioeconomic legislation poured from Congress, much of which was opposed by the conservative elements in the United States. The presidential and congressional efforts to control the problem were considered, in many cases, direct attacks on the "free enterprise" system.

Once the possibilities of starvation were overcome, the government turned to work creation. The outgrowth of this movement was the National Youth Administration, the Civilian Conservation Corps, and the Works Progress Administration. Each provided jobs and wages at government expense. The wages paid circulated immediately and, hopefully, stimulated the economy.

The government's invasion of financial areas saved farms and businesses. With guaranteed loans the Reconstruction Finance Corporation and the Federal Land Bank aided small operators. These means prevented additions to the ranks of the unemployed.

The 1930's changed attitudes toward the unemployed. Because unemployment came through no fault of many workers and touched almost every American family, the condition was treated more tolerantly than ever before. No restrictions were placed on mobility; no punishment given to those without work.

Labor's mobility increased from rural to urban areas. Some

governmental efforts at rural resettlement were on a voluntary basis. The government offered relocation expenses and housing to those willing to move. Few took the offer and fewer still remained permanently in the new places provided.

Preservation of individual dignity was the goal of socioeconomic legislation of the 1930's. Menchen clearly states this as follows:

If the program was to recognize and respect the social equality of beneficiaries of public welfare, it must not subject them to the demeaning experience of soliciting aid and relying on the discretion of the officials in charge. Eligibility of help must be conditional on meeting a formally established series of regulations, and the amount of aid must follow some prescribed formula. The benefits must be adequate to prevent demoralization. Finally, the program must cover a large enough part of the population so that it would not become identified with the status of the poorest and most unfortunate elements of society.<sup>3</sup>

The Social Security laws followed the criteria above when old age and survivor insurance and unemployment compensation were established. The "no means" test was specified for anyone eligible for the benefits. The stigma of unemployment had been partially wiped out.

All governmental efforts were unable to reverse the depression trends during the 1930 decade. The Keynesians insisted that the amounts spent were not sufficient to get the economy moving. This condition was recognized by Keynes.<sup>4</sup>

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<sup>3</sup>Mencher, p. 389.

<sup>4</sup>John Maynard Keynes, The General Theory of Employment, Interest, and Money, Harcourt, Brace & World, Inc., New York, 1965, p. 128.

Since World War II, governmental positions have been strengthened with further legislation. Full responsibility rests with the government for depression prevention. Unemployment relief requires more than monetary payments. Training for new skills, and in some cases moving expenses, bring fresh opportunity for new jobs. Management of the economy has been given top priority by the government.

### Conclusion

The manor was a micro-economic organization. The lord supervised the operation and controlled the efficiency. Work was assigned to those able to work; care was given to the disabled. No one was permitted to starve on the manor.

When the manor ceased to exist, no suitable replacement was available. Factors beyond the control of operator or owner came into play. Legislation brought some order to chaotic conditions, but some laws also caused additional problems because of their shortsightedness.

After a 400-year evolution, a successor has been found for the manor and its lord--the federal government. The shift was made from micro- to macro-economics during this time span. Whereas the individual was left unprotected by sixteenth and seventeenth century economic adjustments, governmental protection is now provided. The managed manorial economy has been transferred in principle to the national economy.

A law enacted during the Middle Ages required the seller of



manorial land to include the villeins as part of the purchase. This legal recognition showed, for the first time, the villein had economic value.

The United States government has, in the twentieth century, shown a keen awareness of the human capital resources available, as a good lord of a manor did many centuries ago. The circle has been completed: from feudal manor to democratic "manor," from feudal lord to political "lord," and from feudal villein to economic "villein."

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